



[Orders under Rule 81 (2), Defence of India Rules.]

1 \* \* \*

Section Two—

Metal Cutting . . . . .	1 *
Cold Saws.	
<sup>2</sup> [Hack Saw machines.]	
Filing and Sawing.	
<sup>2</sup> [Band Saw machines.]	
<sup>2</sup> [Cutting Off (Tool and Abrasive).]	

Section Three—

Testing Machines for Mechanical Workshop and Engineering Laboratory use . . . . .	1 *
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Section Four—

Grinding (excluding small electrical bench and portable grinders up to 10" wheels and Pneumatic Grinders) . . . . .	1 *
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Polishing.	
Lapping.	

Section Five—

Drilling (other than portable electric <sup>3</sup> [or portable pneumatic] ) . . . . .	1 *
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Section Six—

Capstan and Turret Lathes . . . . .	1 *
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Section Seven—

Lathes—general . . . . .	1 *
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Section Eight—

Furnaces, electrically, coal, coke, gas, or oil fired . . . . .	1 *
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Section Nine—

Forging . . . . .	1 *
Power Hammers.	
Drop Stamps.	
Riveting (other than portable <sup>3</sup> [hand] riveters).	

Section Ten—

Wire drawing and forming. . . . .	1 *
Rolling Mills (other than jewellers).	
Bar Reeling.	
Bar Turning.	

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Thread forming, cutting, rolling or milling . . . . .	1 *
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Section Twelve—

Moulding Machines and other machines for foundry use . . . . .	1 *
Die Casting Machines.	
Magnetic Separators.	

<sup>1</sup> Words and figures omitted, Supply Dept. Notfn. No. 312, dated the 21st July, 1941.

<sup>3</sup> Subs., Supply Dept. Notfn. No. 101, dated the 22nd March 1941.

<sup>2</sup> Ins., *ibid.*

DISTRICT MAGISTRATE OF  
ABU.

LD. 29. II.  
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GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT

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# LEGISLATION AND ORDERS RELATING TO THE WAR

VOLUME II

(THIRD EDITION)

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PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.  
1942.

*Price Rs. 7 As. 4 or 11sh. 6d.*

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 37<sup>9</sup>

[*Orders under Rule 84 (3), Defence of India Rules.*]

*Picea morinda* (Spruce),

*Abies pindrow* (Fir), and

*Cedrus deodara* (Deodar),

also chests, boxes, crates and other containers made thereof including shooks.

(d) The following articles included in Part E of the said Schedule, namely :—

(i) Oilcakes, all sorts.

(ii) Oils, minerals, all sorts (excluding lubricating oils, greases, and petrol).

(iii) Grain, pulse and flour.

(iv) Sugar, including molasses.

(v) Textiles, the following :—

Cotton manufactures, all sorts, not specified in Part C.

[*Gazette of India*, 1941, Pt. I, p. 1046.]

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*Commerce Dept., No. 56-I. T. C./41, dated the 23rd August, 1941.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, and in supersession of the notification of the Government of India in the Department of Commerce, No. 1-I. T. C./40, dated the 20th May, 1940, the Central Government is pleased to prohibit the bringing into British India by sea, land or air from any place outside India of any goods of the description specified in the Schedule hereto annexed, except the following, namely :—

(i) any goods imported by the Central Government for defence purposes;

(ii) any goods imported for transhipment to, or in bond for re-export to, any country outside India;

(iii) any goods imported as passenger's baggage or by post for *bona fide* private use and not for sale;

(iv) any goods covered by an Open General Licence issued by the Central Government;

(v) any goods of the descriptions specified in Part A of the Schedule and covered by a special



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Young Man & Co. (Regd.), Egerton Road.

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Part VI.—Rules and Orders under the Defence of India Act, 1939. 397

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
	powder-blowers, white-ant exterminating machines, beet pullers, broadcast seeders, corn pickers, corn shellers, cultipackers, drag scrapers, stalk cutters, huskers and shredders, potato planters, lime sowers, manure spreaders, listers, soil graders, and rakes ; also agricultural tractors, also component parts of these implements, machines or tractors, provided that they can be readily fitted into their proper places in the implements, machines or tractors for which they are imported, and that they cannot ordinarily be used for purposes unconnected with agriculture . . .	72 (8)	6-9-41
72	The following Dairy and Poultry Farming Appliances, namely, cream separators, milking machines, milk sterilizing or pasteurizing plant, milk aerating and cooling apparatus, churns, butter dryers, butter workers, milk-bottle fillers and cappers, apparatus specially designed for testing milk and other dairy produce, and incubators ; also component parts of these appliances, provided that they can be readily fitted into their proper places in the appliances for which they are imported, and that they cannot ordinarily be used for other than dairy and poultry farming purposes . . .	72 (9)	6-9-41
73	Knitting machines (and parts thereof) to be worked by manual labour or which require for their operation less than one-quarter of one brake-horse-power . . .	72 (10)	6-9-41
74	Electrical instruments, apparatus and appliances, not otherwise specified excluding telegraphic and telephonic and electrical fans and parts thereof . . .	73	6-9-41
75	The following Electrical Instruments, Apparatus and Appliances, namely :— Electrical Control Gear and Transmission Gear, namely, switches (excluding switch boards), fuses and current-breaking devices of all sorts and description, designed for use in circuits of less than ten amperes and at a pressure not exceeding 250 volts ; and regulators for use with		

## PREFACE.

The numerous additions and alterations which have been made in Vol. II of the 2nd Edition of "Legislation and Orders relating to the War", subsequent to its publication, have necessitated a further revision of the Volume and this, the 3rd Edition, has now been corrected up to the 1st January 1942. It has also been found necessary to alter the scope of the present Volume and to confine its contents to Rules and Orders issued under the Defence of India Act, 1939. The rest of the matter contained in Vol. II of the 2nd Edition will be brought up-to-date and published in a separate Volume in due course

L. E. JAMES,  
*Assistant Secretary,  
Legislative Department,  
Government of India.*

SIMLA;

*The 13th May, 1942.*

Part VI.—Rules and Orders under the Defence of India Act, 1939. 399

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
79	Rubber-Insulated Copper Wires and Cables, no core of which, other than one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, whether made with any additional insulating or covering material or not.	73 (6)	6-9-41
80	Coal tubs, tipping wagons and the like conveyances designed for use on light rail track, if adapted to be worked by manual or animal labour and if made mainly of iron or steel ; and component parts thereof made of iron or steel	74	6-9-41
81	Tramcars and component parts and accessories thereof.	74 (1)	6-9-41
82	Railway materials for permanent-way and rolling-stock, namely, sleepers, other than iron and steel, and fastenings therefor ; bearing plates, chairs, interlocking apparatus, brake-gear, shunting skids, couplings and springs, signals, turn-tables, weigh-bridges, carriages, wagons, traversers, rail removers, scooters, trollies, trucks ; also cranes, water-cranes and water-tanks when imported by or under the orders of a railway administration : Provided that for the purpose of this entry ' railway ' means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes a railway constructed in a State in India and also such tramways as the Central Government may, by notification in the Official Gazette specifically include therein : Provided also that articles of machinery as defined in Import Tariff item No. 72 or No. 72 (3) shall not be deemed to be included hereunder	74 (2)	6-9-41
83	Component parts of Railway Materials as defined in Import Tariff item No. 74 (2), namely, such parts only as are essential for the working of railways and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose : Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the railway material to which they belong, if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable	74 (3)	6-9-41



[Orders under Rules 84 (3), and 84 (5), Defence of India Rules.]

of any goods of any description other than the descriptions specified in the Schedules to the Notifications of the Government of India in the Department of Commerce, <sup>1</sup>No. 25 I. T. C./40, dated 31st December, 1940, and <sup>2</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, unless covered by a special permit issued by the Central Government.

[*Gazette of India*, 1941, Pt. I, p. 1597.]

*Commerce Dept., No. 92-C. W. (1)/41, dated the 8th December, 1941.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules and in supersession of Commerce Department Notification No. 92-C. W. (1)/41, dated the 16th August, 1941, the Central Government is pleased to prohibit the export to any place in China (including Manchuria and Shanghai), Thailand, Indo-China, Phillipine Islands, the Netherlands East Indies, the French Pacific Islands (including New Caledonia and New Hebrides), Macao, the Russian Pacific Ports, Hongkong, British North Borneo, Sarawak, the British Pacific Islands and Portuguese Timor of any goods other than goods of the description specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>3</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, unless they are covered by a special permit issued by the Central Government in the Department of Commerce.

[*Gazette of India*, 1941, Extraordinary, p. 721.]

*Orders under Rule 84 (5), Defence of India Rules.*

*Commerce Dept., dated the 12th August, 1941.*—In exercise of the powers conferred by sub-rule (5) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that, notwithstanding anything contained in the Sea Customs Act, 1878 (VIII of 1878), no goods imported from any place in—

- (a) The Empire of Japan (including Japan proper, Korea, Formosa, Karafuto, Kwantung leased territory and Islands in the Pacific under Japanese Mandate), or

<sup>4</sup>[(b) Manchuria,]

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<sup>1</sup> *Supra*, p. 345.

<sup>2</sup> *Supra*, p. 379.

<sup>3</sup> *Supra*, p. 362.

<sup>4</sup> Subs. Commerce Dept. No. 186 (16)-E.T.(A)/41, dated the 29th November 1941.

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PART VI  
RULES AND ORDERS UNDER THE  
DEFENCE OF INDIA ACT, 1939.

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[Orders under Rule 88 (1), Defence of India Rules.]

[Gazette of India, 1940, Extraordinary, p. 437.]

[Orders under Rule 88 (1), Defence of India Rules.]

Labour Dept., No. M.-826, dated the 24th September, 1940.—In exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules, and in supersession of the notification of the Government of India in the Department of Labour, No. M.-826, dated the 20th June, 1940, the Central Government is pleased to declare that nothing in any restriction imposed by the Petroleum Rules, 1937, shall apply to the loading, unloading, handling, storage or conveyance of dangerous petroleum in connection with the supply of fuel to military aircraft under instructions given on behalf of Government by or under the authority of the Quartermaster General in India.

[Gazette of India, 1940, Extraordinary, p. 551.]

Labour Dept., No. M.-862 (1), dated the 16th December, 1940.—In exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules and in supersession of the notification of the Government of India in the Defence Co-ordination Department, No. 287-O. R./39, dated the 25th November, 1939, the Central Government is pleased to declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to the loading, unloading, handling, storage or conveyance in any port of <sup>1</sup>[ammunition, explosives, petroleum or other inflammable substance] under instructions given on behalf of Government by the Senior Naval or Military Officer at the place where the port is situated, when authorised in this behalf generally or specially by the Flag Officer Commanding, Royal Indian Navy or the Chief of the General Staff :

Provided that—

- (a) no such instructions shall be given except in circumstances which in the opinion of the Naval or Military Officer are of grave urgency, and
- (b) a copy of all such instructions with a report of the circumstances in which they were issued and of the operations involved in

<sup>1</sup>Subs., Labour Dept., Notfn. No. M.-862(1), dated the 27th March 1941.





[Orders under Section 2 (4), Defence of India Act, 1939.]

1 . . . . .

Fortress.	Area.
Karachi . . . . .	<p>The area confined within the following boundaries :—</p> <p>(a) From Churma Island to the Southern shore of the South of the Hab river and along the left bank of the Hab river to a point 4 miles North of the Band Murad Khan (Point X).</p> <p>(b) From Point X to the Malir river 4 miles N. E. of the water works at Dumlotte (Point Y).</p> <p>(c) A line from Point Y to mile 32 on the North Western Railway at Wateju, and thence a line in a south-westerly direction to the northern shore of the mouth of Pittani Creek (Point Z).</p> <p>(d) From Point Z along the limit of territorial waters to Churma Island.</p>
Bombay . . . . .	<p>The area comprised within the following boundaries :—</p> <p>(a) On the North the Bas cin Creek.</p> <p>(b) On the East a line drawn North and South through a point 4 miles East of the easternmost point of Elephanta Island.</p> <p>(c) On the South a line drawn East and West through a point 7 miles South of Colaba Tower.</p> <p>(d) On the West the limit of territorial waters.</p>
Madras . . . . .	<p>The area comprised within the following boundaries :—</p> <p>(a) On the North a line drawn East and West through the Northern end of the Ferry Innahally North of Nettukuppam. (9) miles North of Madras Harbour.</p> <p>½(b) On the West, a line running North and South through Pattalana Railway station on the Madras and Southern Mahratta Railway.</p>

<sup>1</sup> Words omitted, D. C. Dept. Notfn. No. 752-O. B. 111, dated the 22nd March, 1941.

<sup>2</sup> Subs., D. C. Dept. Notfn. No. 218-O. B. 59, dated the 17th February, 1941.

Part VI.—Rules and Orders under the Defence of India Act, 1939. 1

PART VI.

RULES AND ORDERS UNDER THE DEFENCE OF INDIA ACT, 1939.

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*E. A. Dept., No. 11-W., dated the 3rd September, 1939.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Defence of India Ordinance, 1939, and the Rules made thereunder shall apply to British Baluchistan.

[*Gazette of India*, 1939, Extraordinary, p. 75].

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*E. A. Dept., No. 25-W., dated the 14th November, 1939.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, and in supersession of the notification of the Government of India in the External Affairs Department, <sup>1</sup>No. 11-W., dated the 3rd September, 1939, in so far as it relates to the Defence of India Ordinance, 1939, and No. 18-W., dated the 2nd October, 1939, the Governor General, in his discretion, is pleased to direct that the Defence of India Act, 1939 (XXXV of 1939), shall apply to British Baluchistan subject to the following modification, namely :

For sub-section (3) of section 1, the following sub-section shall be substituted, namely :—

“(3) Chapter III shall come into force on such date as the Governor General in his discretion may by notification in the official Gazette appoint in this behalf.”

[*Gazette of India*, 1939, Extraordinary, p. 470.]

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*E. A. Dept., No. 4-W., dated the 24th April, 1940.*—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Defence of India (Amendment) Act, 1940 (XIX of 1940) shall apply to British Baluchistan.

[*Gazette of India*, 1940, Pt. I, p. 588.]

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*E. A. Dept., No. 23-W., dated the 14th November, 1939.*—In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of

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<sup>1</sup>*Supra.*

Indi. Act, 1935, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the External Affairs Department No. 7-W., dated the 3rd September, 1939, the Governor General in Council is pleased to direct that the Defence of India Act, 1939 (XXXV of 1939) and the Defence of India Rules (hereinafter referred to as the said Act and the said Rules respectively), shall apply to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province in so far as the same may be applicable and subject to any amendments to which they are for the time being subject in British India :

Provided that—

- (1) Chapter III of the said Act shall not come into force in the said areas until such date as the Governor General in Council may by notification in the official Gazette appoint in this behalf;
- (2) all references in the said Act and in the said Rules to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the tribal areas;
- (3) any Court or authority may construe the provisions of the said Act and of the said Rules with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or authority.

[*Gazette of India*, 1939, Extraordinary, p. 469.]

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*E. A. Dept., No. 24-W., dated the 14th November, 1939.*—In exercise of the powers conferred by subsections (1) and (2) of section 313 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the External Affairs Department, No. 10-W., dated the 3rd September, 1939, the Governor General in Council is pleased to direct that the Defence of India Act, 1939 (XXXV of 1939) and the Defence of India Rules (hereinafter referred to as the said Act and the said rules respectively), shall apply to such of the Baluch tribal areas beyond the Western

*Part VI.—Rules and Orders under the Defence of  
India Act, 1939.* 3

border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, in so far as the same may be applicable and subject to any amendments to which they are for the time being subject in British India :

Provided that—

- (1) Chapter III of the said Act shall not come into force in the said areas until such date as the Governor General in Council may by notification in the official Gazette appoint in this behalf ;
- (2) all references in the said Act and in the said Rules to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the tribal areas ;
- (3) any Court or authority may construe the provisions of the said Act and of the said Rules with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or authority.

[*Gazette of India*, 1939, Extraordinary, p. 469.]

## THE DEFENCE OF INDIA RULES.

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# THE DEFENCE OF INDIA RULES.

## PART I.

### *Preliminary.*

Short Title.

1. These Rules may be called the Defence of India Rules.

Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context,—

(1) “enemy” means any person or State at war with His Majesty;

<sup>2</sup>[(2) “enemy territory” means—

(a) any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and

(b) any area which may be notified by the Central Government to be enemy territory;]

(3) “notified” and “notification” mean notified and notification respectively in the official Gazette;

(4) “Ordinance” means the Defence of India Ordinance, 1939;

(5) “prescribed” means prescribed by any order, direction or regulation made or given in pursuance of any of these Rules;

(6) “prohibited place” means a prohibited place as defined in sub-section (8) of section 2 of the Indian Official Secrets Act, 1923;

XIX of 1923;

(7) “protected place” means a place declared under rule 7 to be a protected place;

(8) “protected area” means an area declared under rule 8 to be a protected area;

(9) “Provincial Government” means in relation to a Chief Commissioner’s Province the Chief Commissioner;

<sup>1</sup> Published in the Gazette of India Extraordinary, dated the 3rd September 1939, *vide* D. C. Dept. Notification No. 221/1-OR of the same date.

<sup>2</sup> Substituted by D. C. Dept. Notification No. 529-OR/40, dated the 23rd July 1940, for the original clause (2).

XLV of 1860

- (10) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration ;
- (11) "requisition" means in relation to any property to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority ;
- (12) "war" means any war in which His Majesty may for the time being be engaged.

X of 1897.

3. (1) The General Clauses Act, 1897, shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act. Interpretation.

(2) Any reference in these Rules to the forces, vessels, aircraft, servants, subjects or prisoners of war of His Majesty shall, unless there is anything repugnant in the subject or context, be deemed to include the forces, vessels, aircraft, servants, subjects or prisoners of war, as the case may be, of any part of His Majesty's dominions, of any territories under the protection or suzerainty of His Majesty and of any State in alliance with His Majesty.

(3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

4. No prohibition, restriction or disability imposed by or under these Rules shall apply to anything done by or under the direction of any member of His Majesty's forces or any public servant acting in the course of his duty as such member or public servant. Saving.

5. If any person to whom any provision of these Rules relates, or to whom any order made in pursuance of these Rules is addressed or relates, or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made— Non-compliance with these Rules or orders made there-under.

- (a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means such provision, or order,—

he shall be deemed to have contravened such provision of these Rules or, as the case may be, such provision of these Rules as authorise the making of such order; and in these Rules the expression “contravention” with its grammatical variations includes any such failure, evasion or attempt to evade.

## PART II.

### ACCESS TO CERTAIN PREMISES AND AREAS.

Prohibited  
Places.

6. (1) No person shall, without the permission of <sup>1</sup>[the Central Government or the Provincial Government,] enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by <sup>1</sup>[the Central Government or the Provincial Government].

(3) Any police officer, or any other person authorised in this behalf by <sup>1</sup>[the Central Government or the Provincial Government,] may search any person entering, or seeking to enter, or being on or in, a prohibited place, and may detain any such person for the purpose of searching him :

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by <sup>1</sup>[the Central Government or the Provincial Government].

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].

Prohibited  
Places.

7. If the Central Government or the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry

<sup>1</sup> Substituted by D. C. Dept. notification No. 936-OR/41, dated the 19th July 1941, for the words “ the Central Government ”.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “ and shall also be liable to fine ”.

XIX of 1923.

of unauthorised persons into any place, that Government may by notified order declare the place to be a protected place; and thereupon the provisions of rule 6 and of the Indian Official Secrets Act, 1923, shall have effect<sup>1</sup>[in relation to such place] as if references therein to a prohibited place and the Central Government were construed as references to a protected place and the Government making the declaration.

8. (1) If the Central Government or the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, that Government may, without prejudice to the provisions of any other rule, by notified order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of these Rules. Protected areas.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) If any person is in a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of His Majesty's forces on duty in the protected area.

(4) If any person is in a protected area in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years<sup>2</sup>[or with fine or with both].

<sup>3</sup>[8A. Any person who effects or attempts to effect entry into a prohibited place, protected place or protected area. Forcing or evading a guard.

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or of preventing or controlling access to, such place or area, or

<sup>1</sup> Substituted by the Defence Co-ordination Department notification No. 256-OR/39, dated the 23rd October 1939 for the words "in such place".

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Inserted by D. C. Dept. notification No. 836-OR/41, dated the 19th July 1941.

(b) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.]

Orders  
for certain  
places and  
areas.

9. <sup>1</sup>[(1) Without prejudice to the provisions of any other rule, the Central Government or the Provincial Government, as respects—

- (a) any prohibited place,
- (b) any place or area declared by it to be a protected place or protected area, or
- (c) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.]

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may make provision—

- (a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of—
  - (i) any contravention of the provisions of these Rules, or
  - (ii) any offence against public order or decency;
- (b) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;
- (c) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity as may be prescribed; and

<sup>1</sup> Substituted by D. C. Dept. notification No. 936-OR/41, dated the 19th July 1941, for sub-rule (1) of rule 9, which was previously substituted by D. C. Dept. notification No. 305-OR/39, dated the 15th February 1941, for the original sub-rule.



- (d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

<sup>1</sup>[(2a) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(2b) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.]

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].

10. (1) No person shall—

- (a) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or
- (b) trespass on, or on premises in the vicinity of, any premises used or appropriated for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy.

Trespassing  
on certain  
premises.

(2) If any person is found trespassing on any premises in contravention of the provisions of sub-rule (1), or is found on any vehicle, vessel or aircraft which he has entered or boarded without lawful authority, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises, vehicle, vessel or aircraft, as the case may be, by any police officer or any other person acting on behalf

<sup>1</sup> Inserted by D. C. Dept. notification No. 305-OR/39, dated the 15th February 1941.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine"

of Government, or by the person occupying the premises or being in charge of the vehicle, vessel or aircraft, or any person authorised by him.

(3) No person shall, for any purpose prejudicial to the public safety or to the defence of British India, be in, or in the vicinity of, any such premises or any such vehicle, vessel or aircraft as are referred to in sub-rule (1); and where, in any proceedings taken against a person by virtue of this sub-rule, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or to the defence of British India.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend in the case of a contravention of sub-rule (3) to seven years and in any other case to three years, <sup>1</sup>[or with fine or with both].

Loitering  
near certain  
premises.

11. (1) No person loitering in the vicinity of any prohibited place or protected place or of any such premises, vehicle, vessel or aircraft as are referred to, in sub-rule (1) of rule 10 shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any other person acting on behalf of Government or by the person in occupation of the said premises or being in charge of the said vehicle, vessel or aircraft, or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Power to  
close roads  
etc.

12. (1) The Central Government or the Provincial Government may, by order, prohibit or restrict for such period as may be specified in the order,—

(a) the use of any road, pathway or waterway;

(b) the passage of any person, animal or vehicle over any land.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

PART III.

CONTROL OF SIGNALLING, TELEGRAPHY, POSTAL COMMUNICATIONS, ETC.

<sup>1</sup>[13. (1) Save as hereinafter provided, no person shall make any signal, either visually or otherwise, in such circumstances as show that the signal— Prohibition of signalling.

- (a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or,
- (b) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or
- (c) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of British India :

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by or on behalf of the Central Government, or of any signal for the purpose only of saving life, or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a State at war with His Majesty.

(2) No person shall make any signal, either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of His Majesty's forces or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].]

14. (1) Subject to the provisions of sub-rule (2) and to any exemptions for which provision may be made by general or special order of the Central Government, no person shall, except with permission granted by the Central Government, use or have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the efficient prosecution of war and to the defence of British India. Control of Signalling apparatus.

<sup>1</sup> Substituted by D. C. Dept. notification No. 16-OR/39, dated the 10th August 1940, for the original rule 13.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(2) Nothing in sub-rule (1) shall apply in relation to—

(a) any wireless telegraphy apparatus as defined in the Indian Wireless Telegraphy Act, 1933, or

(b) any apparatus forming part of the equipment of any vessel or aircraft, being an apparatus which is required by law to be carried therein<sup>1</sup>[or which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule 13.]

XVII of 1933

(3) In any proceedings arising out of an alleged contravention of any of the provisions of this rule, it shall be a defence for the accused to prove that at the date of the alleged contravention, application had been made by him for the first time for the necessary permission in relation to the apparatus or contrivance in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years<sup>2</sup>[or with fine or with both].

15. (1) In any area notified in this behalf by the Central Government,<sup>3</sup>[or the Provincial Government, that Government may, if in its opinion], it is necessary or expedient for the efficient prosecution of the war or the defence of British India,—

(a) by general or special order prohibit the use, display or possession of any article which is intended to serve or to be used, or, in the opinion of<sup>4</sup>[that Government], is capable of serving or of being used, as a landmark or as a means of transmitting or conveying in any way any message or information to the enemy;

(b) by order direct the person having control of any such article as aforesaid to remove it, or to take such other action in relation to it as may be specified in the order;

(c) seize and remove any such article as aforesaid; or take such other action in relation to it as may seem expedient to<sup>4</sup>[that Government].

Control of  
landmarks,  
etc.

<sup>1</sup> Inserted by D. C. Dept. notification No. 368-OR/40, dated the 10th August 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 16th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Substituted by D. C. Dept. notification No. 891-SM/41, dated the 16th August 1941, for the words "the Central Government may, if in the opinion of the Central Government".

<sup>4</sup> Substituted by D. C. Dept. notification No. 891-SM/41, dated the 16th August 1941, for the words "the Central Government".

(2) If any person contravenes any order made under any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

XIII of 1885. XVII of 1933. <sup>2</sup>[16. (1) In this rule, "telegraph" has the same meaning as in the Indian Telegraph Act, 1885, and "wireless telegraphy apparatus" has the same meaning as in the Indian Wireless Telegraphy Act, 1933. Control of wireless telegraphy.]

XIII of 1885. XVII of 1933. (2) Notwithstanding anything contained in the Indian Telegraph Act, 1885, or the Indian Wireless Telegraphy Act, 1933, or in the rules made under either of those Acts, the Central Government may, by general or special order, prohibit or regulate the establishing, maintaining or working of any wireless telegraph or the possession of any wireless telegraphy apparatus.

(3) If any wireless telegraph is established, maintained or worked, or any wireless telegraphy apparatus is possessed, in contravention of an order made under sub-rule (2), the person so establishing, maintaining or working the telegraph or possessing the apparatus, and the occupier of the premises on which the telegraph or apparatus is situated, or where the telegraph or apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be deemed to have contravened the order :

Provided that, in any proceedings which, by virtue of the provisions of this sub-rule, are taken against any person in respect of the establishing, maintaining or working of a wireless telegraph or the possession of wireless telegraphy apparatus by some other person in contravention of an order made under sub-rule (2), it shall be a defence for the accused to prove that the telegraph was so established, maintained or worked or the apparatus was so possessed, without his permission, and that he exercised all due diligence to prevent any contravention of the order.

(4) Any member of His Majesty's forces or any other person authorised in this behalf by the Central Government may, in relation to any vessel or aircraft, take such steps and use such force as may appear to that member or person to be necessary for securing compliance with any order made under sub-rule (2); or where a contravention of such an order has occurred, for enabling proceedings in respect of the contravention to be taken.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 509-OR/41, dated the 26th July 1941, for the original rule 16.

(5) If any person has in his possession any wireless telegraphy apparatus in contravention of any of the provisions of the Indian Wireless Telegraphy Act, 1933, or of the rules made thereunder, he shall be deemed to have contravened the provisions of this rule. XVII o 1933.

(6) An officer authorised by the Central or a Provincial Government in this behalf may seize any wireless telegraphy apparatus which is possessed or used by any person in contravention of this rule or of any of the provisions of the Indian Wireless Telegraphy Act, 1933, and keep it in safe custody subject to the orders of any court under this rule or of the Government. XVII of 1933.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(8) For the purposes of this rule a court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge or is located in any premises or place over which he has effective control.

(9) If in the trial of an offence under this rule the accused is convicted, the court shall decide whether any wireless telegraph or wireless telegraphy apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.]

17. (1) The Director-General, Posts and Telegraphs, or any person authorised by him in this behalf, may by order—

(a) direct—

(i) that any public telephone call office shall be closed to the public for such period as may be specified;

(ii) that any subscriber's telephone connexion to any exchange shall be cut off for such period as may be specified;

<sup>1</sup>[(iii) where a direction has been given under sub clause (ii), that the subscriber shall surrender all telephone apparatus and fittings on the premises to such person as may be specified;]

(iii) that any person empowered by him in this behalf by order in writing may listen in

<sup>1</sup> Inserted D. C. Dept. notification No. 728-OR/41. dated the 22nd November 1941.

to all conversations or any specified conversation over any telephonic system ;

- (b) make provision for suspending or regulating the use otherwise than for Government purposes, of any telegraph or telephone service in any area specified in the order ;
- (c) assume the control or direction, or direct any person to assume the control or direction, of any private telephone exchange or any connexion with any such exchange.

(2) If any person contravenes any order made under the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

18. Notwithstanding anything contained in sub-section (1) of section 5 of the Indian Telegraph Act, 1885, any person appointed by the Central Government to be a censor may—

Power to detain or paraphrase telegrams.

- (a) order that any telegraphic message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the censor or to any other officer of Government mentioned in the order ;
- (b) paraphrase the wording of any telegraphic message suspected of conveying a secret meaning and order the transmission of the message as so paraphrased ;
- <sup>2</sup>[(c) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of British India or to the efficient prosecution of war.]

19. (1) Subject to any exemptions or conditions for which provision may be made by order of the Central Government, no person shall, except with permission granted by the Central Government, send or convey by post or otherwise from any place in British India to any

Possession and use of means of secret communication.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted D. C. Dept. notification No. 1129-OR/41, dated the 29th November 1941.

destination outside India, or to any destination in British India from any place outside India,—

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information, including any cipher or code; or
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
- (c) any document or other article secretly conveying or recording any information.

(2) The Central Government may, in respect of any area, by notified order declare that it is expedient to control the use of means of secret communication therein, and thereupon the provisions of sub-rule (1) shall apply in relation to that area as they apply in relation to a destination or place outside India.

(3) Any person who has in his possession or under his control any such instructions, substance, document or other article as is mentioned in sub-rule (1) shall, if required by the Central Government by a written order so to do, deliver up those instructions or that substance, document or other article to such authority or person as may be specified in the order.

(4) Nothing in sub-rule (3) shall be taken to prevent the prosecution of any person in respect of a contravention of the provisions of sub-rule (1).

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Control of  
postal com-  
munications.

20. (1) For the purpose of this rule and of rule 21, the expression "postal article" includes a letter, post-card, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post, and a money order.

(2) The Central Government may, by general or special order, either generally or with reference to any particular place within or without British India, prohibit, regulate, restrict or impose conditions upon the receipt or transmission in, or despatch from, British India of any postal article or of any class or description of postal articles.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".



(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

VI-of 1898.

21. (1) Notwithstanding anything contained in section 26 of the Indian Post Office Act, 1898, any person appointed by the Central Government to be a censor may—

Power to intercept and censor postal articles.

- (a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;
- (b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the public safety or interest or to the defence of British India or the efficient prosecution of war.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor, shall be punishable with imprisonment which may extend to five years <sup>1</sup>[or with fine or with both].

22. (1) In this rule,—

- (a) “appropriate officer” means any officer of Customs, any police officer not below the rank of Sub-Inspector, or any other officer designated in this behalf by the Central Government;
- (b) “photograph” includes any photographic plate, photographic film or other sensitised article which has been exposed in a camera whether such plate, film or other article has been developed or not.

Power to prohibit, and to search, etc., travellers conveying non-postal correspondence

(2) The Central Government may, by order, make provision for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

contained therein, <sup>1</sup>[no article whatsoever recording information and no document, pictorial representation, photograph or gramophone record], shall be sent or conveyed, otherwise than by post, into or from British India.

(3) No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under sub-rule (2).

(4) Any person who, on any occasion, is about to leave British India or arrives in British India (which person is hereafter in this rule referred to as "the traveller") shall, if on that occasion he is ordered so to do by the appropriate officer,—

- (a) declare whether or not he has with him any such article as is mentioned in sub-rule (2), and
- (b) deliver to the appropriate officer any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may—

- (i) examine or search <sup>2</sup>[any vessel, vehicle or other means of conveyance which the traveller has been employing, and] any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of the provisions of this rule;
- (ii) if he has reasonable ground for suspecting that the traveller has any article about his person in contravention of the provisions of this rule, search the person of the traveller;
- (iii) seize any article delivered under this sub-rule or found upon examination or search under this sub-rule, being an article as to which he has reasonable ground for suspecting that it is being sent or conveyed in contravention of the provisions of this rule:
- <sup>2</sup>[(iv) if he has reasonable ground for suspecting that the traveller or any other person has contravened or is contravening the provisions of this rule, arrest that person:]

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<sup>1</sup> Substituted by D. C. Dept. notification No. 375-OR/40, dated the 5th April 1941, for the words "no document, pictorial representation, photograph or other article whatsoever recording information".

<sup>2</sup> Inserted by D. C. Dept. notification No. 375-OR/40, dated the 16th November 1940.

Provided that no female shall be searched in pursuance of the provisions of this sub-rule except by a female.

(5) Where, at any place in British India, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person about to leave, or arriving in, British India, the provisions of sub-rule (4) shall apply in relation to the person so found, as they apply in relation to a person about to leave British India.

(6) Where there is declared or delivered on an order made under this rule, or discovered upon an examination or search so made, any article which the appropriate officer suspects to record any information, he may take such steps (including the subjection of the article to any process) as may be reasonably necessary for ascertaining whether the article does or does not record that information.

(7) If, upon his being ordered to make a declaration or deliver any article under the provisions of sub-rule (4), any person knowingly makes a declaration which is false, or not true, or fails to deliver such article, he shall be deemed to have contravened the provisions of this rule.

(8) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

(9) Anything seized in pursuance of the provisions of this rule shall be disposed of in such manner as the Central Government may by general or special order direct.

## PART IV.

### RESTRICTION OF MOVEMENTS AND ACTIVITIES OF PERSONS.

23. (1) No person shall, without the permission of the Central Government, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a State at war with His Majesty. Entering-  
enemy  
territory-

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<sup>1</sup>Substituted by D. C. Dept. notification No. 701-OR/41, dated 15th February 1941, for the words "and shall also be liable to fine"

(2) If any person contravenes this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

Entering  
British  
India.

24. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not, on coming from a place outside India, enter British India elsewhere than at such place as may be specified in the order.

(2) If any person enters British India in contravention of any order made under sub-rule (1), or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, he shall, without prejudice to any other proceedings which may be taken against him, be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

XXXIV of  
1920.

(3) The master of any vessel or the pilot of any aircraft by means of which any person enters British India in contravention of any order made under sub-rule (1) or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

XXXIV of  
1920.

Leaving  
British  
India.

25. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not—

(a) proceed <sup>2</sup>[from British India] to a destination outside India except under the authority of a written permit granted in such form and manner and by such authority or person as may be specified in the order;

(b) for the purpose of proceeding to a destination outside India, leave British India elsewhere than at such place as may be specified in the order.

(2) Where any police officer not below the rank of Inspector, or any other public servant authorised in this behalf by the Central Government, has reason to suspect that any person who is about to depart from British India is attempting so to depart for purposes prejudicial to the public safety or to the defence of British India,

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> The words "from British India" were first omitted by D. C. Dept. notification No. 13-M. P., dated the 14th October 1939, and then inserted again by D. C. Dept. notification No. 13-2-M. P., dated the 4th November 1939.

he may, notwithstanding the fact that such departure does not contravene any order made under sub-rule (1), prevent the departure of that person.

(3) Any police officer or other public servant who prevents the departure of any person under sub-rule (2) shall forthwith report the fact of such prevention to the Central Government, and the Central Government may, if it thinks fit, by order, prohibit such person at any time subsequently from leaving British India so long as the order is in force.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

(5) The master of any vessel or the pilot of any aircraft by means of which any person leaves British India in contravention of any order made under this rule shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

26. (1) <sup>2</sup>[The Central Government or the Provincial Government, if it is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order, <sup>3</sup>[His Majesty's relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas] or the efficient prosecution of the war it is necessary so to do, may make an order ;]

Restriction of movements of suspected persons, restriction orders and detention orders.

(a) directing such person to remove himself from British India in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to British India ;

(b) directing that he be detained ;

(c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in British India as may be specified in the order ;

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

<sup>2</sup> Substituted by D. C. Dept. notification No. 356-OR/40, dated the 28th March 1940 for the original para. 1 of sub-rule (1).

<sup>3</sup> Inserted by D. C. Dept. notification No. 534-OR/40, dated the 3rd August 1940.

- (d) requiring him to reside or remain in such place or within such area in British India as may be specified in the order <sup>1</sup>[and if he is not already there to proceed to that place or area within such time as may be specified in the order];
- (e) requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;
- (f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions;
- (g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order;
- <sup>2</sup>[(h) otherwise regulating his conduct in any such particular as may be specified in the order:]

Provided that no order shall be made under clause (a) of this sub-rule in respect of any British Indian subject of His Majesty.

<sup>3</sup>[Provided further that no order shall be made by the Provincial Government under clause (c) of this sub-rule directing that any person ordinarily resident in the Province shall not be in the Province.]

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(3) An order made under sub-rule (1) <sup>5</sup>\* \* \* \* may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

(4) If any person is in any area or place in contravention of an order made under the provisions of this

<sup>1</sup> Inserted by D. C. Dept. notification No. 744-OR/41, dated the 22nd March 1941.

<sup>2</sup> Inserted by D. C. Dept. notification No. 356-OR/40, dated the 22nd June 1940.

<sup>3</sup> Inserted by D. C. Dept. notification No. 356-OR/40, dated the 28th March 1940.

<sup>4</sup> Sub-rule (2) omitted, *ibid.*

<sup>5</sup> The words, brackets and figure "or sub-rule (2)" omitted, *ibid.*

rule, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-rule (6), he may be removed from such area or place by any police officer or by any person acting on behalf of Government.

(5) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions <sup>1</sup>[as to maintenance, discipline and the punishment of offences and breaches of discipline], as the Central Government or the Provincial Government, as the case may be, may from time to time determine.

<sup>1</sup>[(5A) Where the power to determine the place of detention is exercisable by the Provincial Government, the power of the Provincial Government shall include power to determine a place of detention outside the Province :

Provided that—

(a) no such place shall be determined save with the previous consent of the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, of the Central Government ;

(b) the power to determine the conditions of detention shall be exercised by the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, by the Central Government.]

<sup>2</sup>[(5B) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed, that Government may make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides ; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as

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<sup>1</sup> Inserted by D. C. Dept. notification No. 527-OR/40, dated the 31st August 1940.

<sup>2</sup> Inserted by D. C. Dept. notification No. 580-OR/40, dated the 26th October 1940.

if the order directing that he be detained were a warrant issued by the Magistrate.]

(6) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both], and if such person has entered into a bond in pursuance of the provisions of sub-rule (3), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

Powers of  
photograph-  
ing, etc.,  
suspected  
persons.

27. (1) The Central Government or, as the case may be, the Provincial Government may, by order, direct that any person in respect of whom an order has been made by that Government under the provisions of rule 26, shall—

- (a) allow himself to be photographed;
- (b) allow his finger and thumb impressions to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

Prisoners of  
war, etc.

28. (1) The Central Government may, by order, make provision—

- (a) for regulating access to, and the conduct of persons in, places in British India where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
- (b) for regulating the conditions to be observed in connexion with the employment and maintenance of prisoners of war in British India while elsewhere than in places for the detention of prisoners of war.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".



XLI of  
1880.

(2) The provisions of sub-rule (1) and of sections 128, 129 and 130 of the Indian Penal Code shall apply in relation to a person detained or confined by order made under clause (b) of sub-rule (1) of rule 26 or clause (g) of sub-rule (2) of rule 31 as they apply in relation to a prisoner of war.

(3) No proceedings shall be taken, by virtue of this rule, against a person in respect of any act done by him when he is himself a prisoner of war.

(4) If any person contravenes any order made under the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years<sup>1</sup>[or with fine or with both].

29. (1) For the purposes of this rule,—

(a) the expression “name” shall be construed as including a surname, and

Change of  
name by  
British  
subjects.

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No British subject who is in British India on the day on which the Ordinance came into force shall, while in British India at any time after that day, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day, unless, at least one month before the day on which he first assumes or uses or purports to assume or use that other name, he has given to the Provincial Government a notice specifying—

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his place of residence or place of abode, if any, in British India,

and has complied with such orders in respect of such notice, including orders for giving public intimation of his intention to change his name, as the Provincial Government may give.

(3) In relation to any British subject who, not having been in British India on the day on which the Ordinance came into force, thereafter enters British India, sub-rule (2) shall have effect as if for any reference in that

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<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

sub-rule to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years <sup>1</sup>[or with fine or with both].

(5) Nothing in this rule shall apply to the assumption or use—

- (a) by any married woman of her husband's name;
- (b) of any name in pursuance of a Royal licence, or in consequence of the grant of, or succession to, any rank or title;
- (c) of any name in such circumstances as may be specified by order of <sup>2</sup>[the Central Government or the Provincial Government].

## PART V.

### RESTRICTIONS ON FOREIGNERS.

Definition.

30. For the purposes of this Part the expression "foreigner" means a foreigner as defined in the Foreigners Act, 1864, but does not include—

III of  
1864.

- (i) any ruler or subject of an Indian State;
- (ii) any native of the tribal areas.

Power to  
impose  
restrictions  
on foreigners.

31. (1) If in the opinion of the Central Government it is necessary for the defence of British India, the efficient prosecution of the war or the public safety or interest so to do, the Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to such foreigner or class of foreigners as may be specified in the order, for all or any of the following purposes, that is to say,—

- (a) for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their continuance therein;
  - (b) for regulating or restricting the liberty of foreigners residing or being in British India.
- (2) In particular and without prejudice to the generality of the foregoing power, an order made under the

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 890-OR/41, dated the 28th June 1941, for the words "the Provincial Government".

provisions of sub-rule (1) may provide that a foreigner, or class of foreigners, or all foreigners generally,—

- (a) shall not enter British India, or shall enter British India only within such period and by such route or by such port or place and subject to the observance of such conditions on landing or arriving at any place in British India as may be specified in the order;
- (b) shall not depart from British India, or shall depart only within such period and by such route or from such port or place and subject to the observance of such conditions on departing as may be specified in the order;
- (c) shall not remain in British India or in such area therein as may be specified in the order;
- (d) shall remove themselves to and remain in any such area in British India as may be specified in the order;
- (e) entering into or residing or being in British India, or any specified area in British India, shall comply with any conditions specified in the order—
  - (i) requiring them to reside in a particular place;
  - (ii) imposing any restrictions on their movements;
  - (iii) requiring them to furnish proof of their identity and such other particulars, including photographs, specimens of handwriting and signature, and finger and thumb impressions, as may be specified in the order;
  - (iv) prohibiting them from association with persons of such description as may be specified in the order;
  - (v) prohibiting them from engaging in activities of such description as may be specified in the order;
  - (vi) prohibiting them from using or possessing such articles as may be specified in the order;
  - (vii) otherwise regulating their conduct in any particular;
- (f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all of the restrictions or conditions specified in the order;
- (g) shall be arrested and detained or confined.

(3) So long as there is in force in respect of any foreigner such an order as aforesaid directing that he be detained or confined, he shall be liable to be detained or confined in such place, and under such conditions, as the Central Government may from time to time determine.

(4) The Central Government may, by order, exempt any class or description of foreigners or any individual foreigner either absolutely or conditionally from all or any of the provisions of any order made under this rule.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both]; and if such person has entered into a bond in pursuance of an order made under clause (f) of sub-rule (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(6) If any question arises in any proceedings under this rule or with reference to anything done or proposed to be done in pursuance of any order made under this rule whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that that person is not a foreigner or, as the case may be, is not a foreigner of that class or description shall lie upon that person.

<sup>2</sup>[(7) The provisions of this rule shall be in addition to, and not in derogation of, the provisions of the Foreigners Ordinance, 1939.]

Ordinance  
No. I of 1939.

**31A.** [*Trial of internees.*] Inserted by D. C. Department Notification No. 292-OR/39, dated the 5th December 1939, which was omitted by that Department Notification No. 365-OR/40, dated the 6th July 1940.

Obligations  
of masters  
of vessels,  
etc.

**32.** (1) A District Magistrate, or any other Magistrate authorised by the District Magistrate in this behalf, a Commissioner, Superintendent or District Superintendent of Police or any other police officer not below the rank of a Sub-Inspector authorised by the Commissioner, Superintendent or District Superintendent of Police in this behalf, may, for any purpose connected with the enforcement of the provisions of rule 31, enter with such assistance as he may think fit any

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 292-OR/39, dated the 5th December 1939.

vessel or aircraft at any port or place in British India and may—

(a) order the master of the vessel or the pilot of the aircraft, as the case may be,—

(i) before allowing any passenger to disembark, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft commenced its journey, specifying the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be required by order of the Central Government made in pursuance of this rule;

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India;

(b) if any foreigner on board such vessel or aircraft does not state his reasons for coming to British India or if his account thereof is not satisfactory, either—

(i) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(ii) place him under such restraint as may be specified by the Central Government in this behalf.

(2) If the master of any vessel or the pilot of any aircraft wilfully makes any false report or gives any false answer in respect of any matter as to which he is ordered under this rule to make a report or furnish an answer, or wilfully neglects or refuses to comply with the provisions of this rule or of any order given in pursuance thereof, he shall be punishable with imprisonment for a term which may extend to one year <sup>1</sup>[or with fine or with both].

33. (1) For the purposes of this rule,—

(a) the expression “name” shall be construed as including a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

Change of  
name by  
foreigners.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

(2) No foreigner who is in British India on the day on which the Ordinance came into force shall, while in British India at any time after that day, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(3) Where, after the day on which the Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said day, he shall, for the purposes of sub-rule (2), be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(4) In relation to any foreigner who, not having been in British India on the day on which the Ordinance came into force, thereafter enters British India, sub-rules (2) and (3) shall have effect as if for any reference in those sub-rules to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment which may extend to five years <sup>1</sup>[or with fine or with both].

(6) Nothing in this rule shall apply to the assumption or use—

(a) by any married woman of her husband's name;  
or

(b) of any name in pursuance of a Royal licence.

## PART VI.

### PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF INFORMATION.

Definitions.

34. In this Part, unless there is anything repugnant in the subject or context,—

Cinematograph film".

(1) "cinematograph film" includes a sound track, and any other article on which sounds have been recorded for the purpose of their being reproduced in connexion with the exhibition of a film;

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

- (2) "confidential information" includes any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated directly or indirectly to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—
- (a) the proceedings of any meeting of the Executive Council of the Governor-General;
- (b) the proceedings of any committee, commission, conference, convention or delegation appointed by His Majesty or appointed or convened by, or at the invitation of, the Central Government or either Chamber of the Indian Legislature to deal with matters concerning the prosecution of war, the making of peace or the proposed constitution for the government of any territory affected by the war or by the conditions of peace;
- (c) the contents of any secret or confidential document belonging to, or the contents of any document which has in confidence been communicated by, or any confidential information obtained from, Government or any person in the service of His Majesty and relating to any of the aforesaid matters;
- (3) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government;
- (4) "exhibit" and "exhibition" and their grammatical variations include, in relation to a cinematograph film, the mechanical or electrical reproduction of any sounds in connexion with the showing of the film;
- (5) "information likely to assist the enemy" means any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated, directly or indirectly, to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—
- (a) the number, description, armament, equipment, disposition, movement, sympathies

"Confidential information."

"Essential commodity".

"Exhibit" and "Exhibition".

"Information likely to assist the enemy".

- or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (c) any measures, works, appliances or arrangements for, or connected with, or intended for, the defence or fortification of any place by or on behalf of His Majesty's forces;
- (d) the number, description or location of any prisoners of war;
- (e) any enemy agents, that is to say, persons engaged in or believed to be engaged in assisting the enemy;
- (f) the condition of His Majesty's subjects or of any class thereof or the sympathies of such subjects or class as regards matters relating to the war;
- (g) the invention, manufacture, quantity, supply, description, condition, disposition, movement, storage, repair, testing, trial or use of any munitions of war or other thing which can be used in connection with the prosecution of the war;
- (h) any measures, works, appliances or arrangements for or connected with, or intended for, the protection of any munitions of war or other thing which can be used in connection with the prosecution of the war;
- (i) any arrangements relating to the collection of means of transport or for the protection of—
  - (i) transport or communications, or
  - (ii) the supply or distribution of any essential commodity;
- (j) any prohibited place, protected place or protected area, or any person or thing in, or relating to, any such place or area or anything used in, or done or proposed to be done in, or in relation to, any such place or area;
- (k) the passage of any vessel or aircraft near or over any part of India;
- (l) any losses or casualties incurred by persons in the service of His Majesty, or the number



or description of any such persons returning to the active service of His Majesty after casualty, or any injury or damage caused, whether by hostile operations or otherwise, to any of His Majesty's vessels or aircraft, or to any prohibited place, protected place or protected area, or to any person or thing in any such place or area, or to any munitions of war, or any injury or damage caused by hostile operations to any other person or thing whatsoever;

(m) any cipher, code or secret or official codeword or password;

(n) any orders, instructions or regulations regarding, or connected with, any of the aforesaid matters;

(o) any other matter whatsoever information as to which would or might be, directly or indirectly, useful to the enemy;

(6) "prejudicial act" means any act which is intended or is likely— Prejudicial act.

<sup>1</sup>[(a) to prejudice His Majesty's relations with any Indian State or with any foreign power, or the maintenance of peaceful conditions in any tribal area;]

(b) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's forces or public servants;

(c) to render any member of His Majesty's forces or any public servant incapable of efficiently performing his duties as such, or to induce any member of His Majesty's forces or any public servant to fail in the performance of his duties as such;

(d) to prejudice the recruiting of, or the attendance of persons for service in, any of His Majesty's forces or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;

(e) to bring into hatred or contempt, or to excite disaffection towards, His Majesty or the Crown Representative or the Government

<sup>1</sup> Substituted by D. C. Dept. notification No. 424-OR/40, dated the 18th May 1940, for the original clause (a).

established by law in British India or in any other part of His Majesty's dominions;

- (f) to promote feelings of enmity and hatred between different classes of His Majesty's subjects;
- (g) to cause fear or alarm to the public or to any section of the public;
- (h) to impede, delay or restrict the means of transport or locomotion, any work necessary for the efficient prosecution of the war, the production, handling or transport of any munitions of war or the supply or distribution of any essential commodity;
- (i) to render any munitions of war wholly or partially ineffective or dangerous, or to cause or increase danger to any person using, or engaged upon the production, handling or transport of, any munitions of war;
- (j) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in India or in any part thereof, or to prejudice the success of any financial measures taken or arrangements made by Government with a view to the efficient prosecution of war;
- <sup>1</sup>[(j) to encourage or incite any person or class of persons, or the public generally, to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to Government or any local authority or payable under any law or custom having the force of law for any services rendered to the community;]
- (k) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the defence of British India or to the efficient prosecution of war;
- (l) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;

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<sup>1</sup> Inserted by D. C. Dept. notification No. 300-OR/39, dated the 16th May 1940.

(m) to instigate or incite directly or indirectly the commission or abetment of an offence punishable under section 121, section 121A, section 122, section 131, or section 436 of the Indian Penal Code, or of the offence of robbery or dacoity;

XLV of 1860.

(n) to instigate or incite directly or indirectly the commission or abetment of an offence against, or against any rule made under, the Indian Arms Act, 1878, the Indian Explosives Act, 1884, or the Explosive Substances Act, 1908;

XI of 1878.  
IV of 1884.  
VI of 1908.

(o) to instigate or incite directly or indirectly the commission or abetment of an offence against section 27 of the Indian Army Act, 1911, section 35 of the Indian Air Force Act, 1932, or sections 10 to 16 (both inclusive) of <sup>1</sup>[the Naval Discipline Act as set forth in the first Schedule to] the Indian Navy (Discipline) Act, 1934;

VIII of 1911.  
XIV of 1932.

XXXIV of 1934.

(p) otherwise to prejudice the efficient prosecution of the war and the defence of British India, or the public safety or interest;

(7) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act as defined in this rule; "Prejudicial report".

(8) "unauthorised cinematograph film" means a cinematograph film which has not been certified under, or in respect of which a certificate has been suspended under, or in respect of which the Provincial Government has decided that it shall be deemed to be uncertified under section 7 of the Cinematograph Act, 1918. "Unauthorised cinematograph film".

II of 1918.

35. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,— Sabotage.

(a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government;

(b) any railway (as defined in the Indian Railways Act, 1890), tramway, road, canal, bridge,

IX of 1890.

<sup>1</sup> Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

culvert, causeway, port, dockyard, lighthouse, aerodrome, or telegraph (as defined in the Indian Telegraph Act, 1885);

XIII of 1885

(c) any rolling-stock of a railway or tramway, any vessel or aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(e) any prohibited place or protected place.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property as is mentioned in sub-rule (1), in circumstances which afford reason to believe that he intends to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes <sup>1</sup>\* any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years <sup>2</sup>[or with fine or with both].

36. (1) No person shall knowingly—

(a) cause interference with the sending or receiving of communications by post, telegraphy (including wireless telegraphy), telephony (including wireless telephony) or television; or

(b) intercept any postal, telegraphic or telephonic communication.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].

37. (1) No person having reasonable cause to believe that such other person is engaged in assisting the enemy, shall communicate or associate with any other person.

(2) In any proceedings taken by virtue of sub-rule (1), it shall be a defence for the accused to prove that

<sup>1</sup> The word "this" was omitted by D. C. Dept. Notification No. 361-OR/40, dated the 4th March 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

Interference  
with postal  
and  
telegraphic  
communi-  
cation.

Communi-  
cations with  
persons  
engaged in  
assisting the  
enemy.

the purpose of the communication or association in question was not prejudicial to the defence of British India, to the efficient prosecution of war or to the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[37A. (1) The Central Government or the Provincial Government, if it is satisfied that any articles or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying out of hostile operations, may by order make provision—

Articles likely to afford information or other assistance to the enemy.

- (a) for requiring any person who has any such article in his possession or under his control to report the fact to such authority as may be specified in the order;
- (b) for prohibiting or restricting the acquisition, sale, distribution, possession or disposal of such articles;
- (c) for requiring such articles to be placed in the custody of such authority as may be specified in the order;
- (d) for authorising or requiring the destruction of such articles;
- (e) for such incidental and supplementary matters as appear to the Central Government or the Provincial Government, as the case may be, to be necessary or expedient for the purposes of the order.

(2) If any person fails to comply with any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

38. (1) No person shall, without lawful authority or excuse,—

Prohibition of prejudicial acts, publications and communications.

- (a) do any prejudicial act; or
- (b) obtain, collect, record, elicit, make, print or publish, or distribute or communicate by any means whatsoever to any other person, any information likely to assist the enemy; or
- (c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine."

<sup>2</sup> Inserted by D. C. Dept. notification No. 1036-OR/41, dated the 10th September 1941.

- (d) make, print, produce, publish or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any information likely to assist the enemy, any confidential information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any building or other premises licensed under the Cinematograph Act, 1918, for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier, the owner, of any other building, or other premises, in or on which any unauthorised cinematograph film as aforesaid is exhibited shall be deemed to have contravened this rule. II of 1918.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

Provided that in any proceedings arising out of a contravention of this rule,—

- (a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—
  - (i) before the Ordinance came into force, or
  - (ii) with the permission or under the authority of Government, or
  - (iii) as a proof intended for submission to Government or to a person or authority designated

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

by Government in this behalf with a view to obtaining permission for its publication :

(b) in relation to the publication of any document or information it shall be a defence for the accused to prove that the said document or information was published—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government.

39. (1) No person shall, without lawful authority or excuse, have in his possession—

Illegal possession of certain information and publications.

(a) any information likely to assist the enemy or any confidential information; or

(b) any document containing any prejudicial report; or

(c) any unauthorised cinematograph film of the nature described in sub-rule (3) of rule 38.

<sup>1</sup>[(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule.]

2 \* \* \*

II of 1918.

(4) The licensee of any building or other premises licensed under the Cinematograph Act, 1918, and the occupier, or, if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule.

(5) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information, it shall be a defence for the accused to prove that the said document or information—

(a) was in his possession with the permission or under the authority of Government; or

(b) was a proof prepared by or for him for submission to Government or to a person or authority

<sup>1</sup> Substituted by D. C. Dept. notification No. 520-OR/40, dated the 16th November 1940, for the original sub-rule (2).

<sup>2</sup>Sub-rule (3) omitted, *ibid*.

designated by Government in this behalf with a view to the obtaining of permission for its publication ; or

(c) was published before the Ordinance came into force.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Proscription,  
etc., of certain  
documents;

<sup>2</sup>[40. (1) Where in the opinion of the Central Government or the Provincial Government any document made, printed or published, whether before or after the Ordinance came into force, contains any confidential information, any information likely to assist the enemy or any prejudicial report, that Government may, by order,—

(a) addressed to the editor, printer, publisher or person in possession of such document,—

(i) require to be informed of the name and address of any person concerned in the supply or communication of such information or in the making of such report ;

(ii) require the delivery of such document and every copy thereof to an authority specified in the order ;

(b) prohibit the further publication, sale or distribution of such document, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof ;

(c) declare such document and every copy thereof to be forfeited to His Majesty.

(2) Where in pursuance of sub-rule (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found in British India and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine."

<sup>2</sup> Substituted by D. C. Dept. notification No. 347-OR/40, dated the 14th June 1940, for the original rule 40.



(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].]

41. <sup>2</sup>[(1) The Central Government or the Provincial Government may, for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

Power to impose censorship

(a) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the printing or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any printing press.]

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the <sup>3</sup>[Government making the order] may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any printing press or other apparatus used in the making or publication of such document.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

42. (1) For the purposes of this rule, the expression "Controller" means the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911.

Publication of inventions and designs.

(2) Where, either before or after the coming into force of the Ordinance, an application has been made to the Controller for the grant of a patent or the registration of a design, the Controller, if he is satisfied that it is expedient for the defence of British India or the efficient prosecution of the war so to do, may, notwithstanding

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940, for the original sub-rule (1).

<sup>3</sup> Substituted, *ibid*, for the words "Provincial Government".

anything contained in the Indian Patents and Designs Act, 1911, omit to do or delay the doing of anything II of 1911. which he would otherwise be required to do in relation to the application, and by order, prohibit or restrict the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(3) No person shall, except under the authority of a written permit granted by the Controller, make an application for the grant of a patent, or the registration of a design, <sup>1</sup>[in any country or place not included in His Majesty's Dominions and not being an Indian State.]

(4) If, in the opinion of the Central Government, it is necessary or expedient for the defence of British India or the efficient prosecution of the war so to do, the Central Government may by order require any person to furnish to such authority or person as may be specified in the order, any such information in his possession relating to any invention, design or process as may be specified in the order or demanded of him by the said authority or person.

(5) The right of a person to apply for, or to obtain, a patent in respect of an invention, or registration in respect of a design, shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to an authority or person in compliance with any order given under sub-rule (4), or used by an authority or person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only of the fact that the invention or design has been communicated or used as aforesaid.

(6) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of the Crown (whether by virtue of the Indian Patents and Designs Act, 1911, or otherwise), the Central Government may by order authorise the use of any drawing, model, plan, specification, or other document or information in such manner as appears to the Central Government to be expedient for the defence of British India or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and in so far as it confers on any person, otherwise than for the benefit of the Crown, the right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative. II of 1911.

<sup>1</sup> Substituted by D. C. Dept. notification No. 370-OR/40, dated the 14th March 1940, for the words "in any foreign country".

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

XIX of 1876. 43. Whenever the Provincial Government is of opinion that any play, pantomime or other drama performed, or about to be performed, in a public place contains any prejudicial report, or is calculated to instigate the commission of a prejudicial act, it may, by order, prohibit the performance; and thereupon the provisions of sections 4 to 9 of the Dramatic Performances Act, 1876, shall apply in relation to any such performance as they apply in relation to any performance prohibited by the Provincial Government under section 3 of that Act :

XIX of 1876. Provided that any person who commits in relation to any order made in pursuance of this rule any of the offences specified in sections 4 and 6 of the Dramatic Performances Act, 1876, shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

44. (1) The Central Government or the Provincial Government may by order declare any unauthorised cinematograph film or any cinematograph film which is imported into British India in contravention of any order made under these Rules to be forfeited to His Majesty.

(2) Where in pursuance of sub-rule (1) any cinematograph film has been declared to be forfeited to His Majesty, any police officer may seize such film wherever found <sup>2</sup>[in British India] and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises whereon or wherein any such film is or is reasonably suspected to be.

45. (1) Subject to any exemptions for which provision may be made by order of the appropriate Government, no person shall, except under the authority of a written permit granted by or on behalf of that Government,—

(a) have with him a camera or any material for making a sketch, plan, model or other representation in, or in the vicinity of, any prohibited place, protected place or protected area or any other place or area notified in this

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 347-OR/40, dated the 26th February 1940.

behalf by the Central Government, being a place or area in relation to which the restriction of photography <sup>1</sup>[or the making of representations] appears to that Government to be expedient in the interests of the defence of British India; or

(b) make any photograph, sketch, plan, model or other representation—

- (i) of a prohibited place, protected place or protected area, or of any part of, or object in, any such place or area;
- (ii) of an object of any such description, as may be specified by order of the Central Government;
- (iii) of, or of any part of, or object in, any such place or area in British India as may be notified by the Central Government in pursuance of clause (a) of this sub-rule.

(2) In any proceedings arising out of a contravention of clause (a) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention application had been made by him for the first time for the necessary permit in relation to the camera or other article in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The appropriate Government may, by general or special order, make provision for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-rule (1), shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and may retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(4) If in, or in the vicinity of, any place or area to which this rule or any notification issued in pursuance of this rule applies, any person is found in possession of a camera or material for making a sketch, plan, model or other representation, then, without prejudice to the provisions of sub-rule (5) or to any other proceedings which may be taken against him, such camera or other material shall be liable to forfeiture.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].

<sup>1</sup> Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(6) In sub-rules (1) and (3), the expression "appropriate Government" means, in relation to any place or area declared by the Provincial Government to be a protected place or protected area, that Provincial Government, and in relation to any other place or area, the Central Government.

<sup>1</sup>[45A. If the Central Government certifies that the disclosure—

Matters required to be disclosed under the Indian Companies Act, 1913.

(1) of any matter required by sub-section (1) of section 93 of the Indian Companies Act, 1913, to be stated in a prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, or

(2) of the contents of a contract for the inspection of which or of a copy of which a time and place is required by clause (1) of the said sub-section to be stated in the prospectus,

would be prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war or to the maintenance of supplies and services essential for the life of the community, the requirements of the said sub-section (including the requirements of the said sub-section read with sub-section (2) of section 96 of the said Act) shall be deemed to have been complied with by the annexing to the prospectus of a copy of the certificate, and no matter to which the certificate relates shall be stated in the prospectus, nor shall any contract to which the certificate relates or any copy thereof be made available for inspection.]

## PART VII.

### FALSE REPRESENTATIONS, ETC.

46. (1) In this rule the expression "Government" means any Government whether within or without British India.

Personation and misleading acts and misrepresentations.

(2) No person shall do any act, or make any statement,—

(a) calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of any Government, or as a public servant, or

<sup>1</sup> Inserted by D. C. Dept. notification No. 530-OR/40, dated the 23rd July 1940.

- (b) calculated falsely to suggest that any article or property does or does not belong to, or is or is not in the possession or under the control of, Government or has or has not been classified, selected or appropriated on behalf of Government for any particular purpose, or
  - (c) whereby any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of British India or the securing of the public safety, are communicated or are intended to be communicated to the public or to any section thereof, or
  - (d) having reasonable cause to believe that the said act or statement is likely to mislead any person in the discharge of any lawful functions in connexion with the defence of British India or the securing of the public safety.
- (3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

Forgery and  
improper use  
of official  
documents,  
etc.

47. (1) In this rule—

- (a) "Government" means any Government whether within or without British India;
- (b) "official document" includes any passport, pass, permit, certificate, licence, notice or other document issued by or under the authority of any Government or any officer of His Majesty's forces or any police officer;
- (c) "official seal" includes any die, seal, plate or other instrument for making an impression or stamp and any impression or stamp of any such die, seal, plate or other instrument, belonging to, or used, made or provided by or for, any Government.

(2) No person shall—

- (a) forge, alter, tamper with or destroy any official document or any application, request or receipt in respect of any official document; or
- (b) use or have in his possession any forged or altered official document, or any document so nearly resembling an official document as to be calculated to deceive; or

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<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

- (c) personate or falsely represent himself to be, or not to be, a person to whom an official document relates or to whom an official document or any secret official codeword or password has been duly issued or communicated; or
- (d) with intent to obtain an official document, secret official codeword or password, whether for himself or for any other person, knowingly make any false statement; or
- (e) without lawful authority make, use or have in his possession or under his control any official seal or any die, seal, plate, or other instrument so nearly resembling an official seal as to be calculated to deceive.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

48. (1) No person shall without lawful authority use or wear—

Improper  
use of  
uniforms,  
etc.

- (a) any official uniform, Indian, British or foreign, or any dress so nearly resembling such uniform as to be calculated to deceive; or
- (b) any official decoration, medal, badge or mark of rank, rating, qualification or duty, Indian, British or foreign, or any copy or miniature thereof, or any ribbon or other emblem designed for use therewith or indicating possession thereof, or any article so nearly resembling any of the aforesaid articles as to be calculated to deceive.

(2) No person shall falsely represent himself to be a person who possesses or has possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1).

(3) No person shall supply or offer to supply any such uniform or article as is mentioned in sub-rule (1) to or for any person whom he knows to be without lawful authority to use or wear it.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

(5) In any prosecution under sub-rule (1) or sub-rule (2), the onus of proving that a person possessed lawful

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<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

authority to use or wear any such uniform or article as is mentioned in sub-rule (1) shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon that person. I of 18

## PART VIII.

### PREPARATIONS FOR DEFENCE.

49. (1) The Central Government <sup>1</sup>[or the Provincial Government] may, if it appears necessary for the purpose of meeting any actual or apprehended attack or of protecting persons and property from the dangers involved in <sup>1</sup>[or resulting from] such attack <sup>2</sup>[or of facilitating any operations of His Majesty's Forces], by order direct, in respect of any specified area, that, subject to any exemptions made by general order or special permission,—

(a) all persons or any class of persons shall remove themselves or be removed from the said area or to any specified part thereof;

<sup>3</sup>[(aa) all persons or any class of persons in the said area shall remain therein for such period as may be specified;]

(b) any animals or property or any specified class of animals or property shall be removed from the said area or to any specified part thereof;

(c) within a specified time any building or other property specified in the order shall be destroyed or rendered useless;

and may do any other act involving interference with private rights of property which is necessary for any of the purposes aforesaid.

(2) An order made under sub-rule (1) for the removal of persons, animals or property may specify—

(a) the route or routes by which all or any class of persons, animals or property are to remove themselves or be removed from the specified area or to any specified part thereof;

(b) the time or times by which they are to remove themselves or be removed therefrom or to any specified part thereof;

(c) the place or places to which they are to proceed or be taken on removing themselves or being removed from the specified area;

and may make such other incidental and supplementary

<sup>1</sup> Inserted by D. C. Dept. notification No. 357-OR/40, dated the 29th February 1940.

<sup>2</sup> Inserted by D. C. Dept. notification No. 657-OR/41, dated the 1st February 1941.

<sup>3</sup> Ins., D. C. Dept. Notifn. No. 1153-SM/41, dated the 24th December 1941.



provisions as may appear necessary or expedient for the purposes of the said order.

(3) If any order made under sub-rule (1) is contravened in respect of any animal or property, the person in charge of such animal or property shall be deemed to have contravened the order.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

50. (1) The Central Government or the Provincial Government may, for the purpose of accommodating any persons who have left or been removed from their homes in accordance with any order made under rule 49, <sup>2</sup>[or who have left their homes on account of actual or apprehended attack] take possession of any premises other than premises used for the purpose of religious worship or a private dwelling house. Accommodation of evacuated persons.

(2) Whenever in pursuance of sub-rule (1) the Central Government or a Provincial Government takes possession of any premises <sup>3</sup>[and the circumstances are not such as to render the provisions of <sup>4</sup>[section 19 of the Defence of India Act, 1939,] applicable], rent shall be paid for such premises at such rates as that Government may by general or special order made in this behalf determine.

(3) The Central Government or the Provincial Government, as the case may be, may, at any time, restore possession of any premises in respect of which action has been taken under sub-rule (1) to the owner or occupier thereof and may order that no person shall thereafter be in those premises except with the consent of the occupier.

(4) If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

<sup>5</sup>[50A. (1) The Central Government may by notified order authorise the carrying out of defence exercises in such area and during such period as may be specified in Defence Exercises.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 1053-OR/41, dated the 4th October 1941.

<sup>3</sup> Inserted by D. C. Dept. notification No. 209-OR/39, dated the 6th October 1939.

<sup>4</sup> Substituted by D. C. Dept. notification No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

<sup>5</sup> Inserted by D. C. Dept. notification No. 1030-OR/41, dated the 4th September 1941.

the order; and thereupon, within the area and during the period so specified,

- (a) any persons engaged in the defence exercises may pass over, or encamp, construct works of a temporary character or execute manœuvres on, any land, or supply themselves with water from any source of water;
- (b) any officer of His Majesty's forces may, for the purposes of the defence exercises, give directions prohibiting or restricting the use of any part of a railway, water-way, road or path, or of any telegraph or telephone service, or of any premises ordinarily open to the public, and take such further measures as may be authorised in this behalf by general or special order of the Officer Commanding-in-Chief, the Command.

(2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, the Indian Telegraph Act, 1885, or any other enactment, every public servant shall be bound to comply with any directions given to him under sub-rule (1). IX of 1890.  
XIII of 1885.

<sup>1</sup>[(3) Where any defence exercises are held under the provisions of sub-rule (1), compensation shall be paid for any damage to person or property or interference with rights or privileges arising from such exercises, including expense reasonably incurred in protecting person, property, rights or privileges; and assessment and payment of compensation shall be made in accordance with the provisions of section 6 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 :

V of 1938.

Provided that no compensation shall be payable in respect of such interference arising out of any direction given or further measures taken under clause (b) of sub-rule (1)].

<sup>2</sup>[(4)] If any person contravenes any direction given under sub-rule (1) he shall be punishable with fine which may extend to one thousand rupees.

51. <sup>3</sup>[(1) The Central Government or the Provincial Government may, with a view to protecting the general public or any members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an

<sup>1</sup> Inserted by D. C. Dept. notification No. 1030-OR/41, dated the 29th September 1941.

<sup>2</sup> Re-numbered, *ibid*, for the original sub-rule (3).

<sup>3</sup> Substituted by D. C. Dept. notification No. 558-OR/40, dated the 21st September 1940, for the original sub-rule (1).

emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified.]

(2) An order made under sub-rule (1) may provide that upon the giving of any specified notice or signal any person or class of persons may, subject to such conditions and in such circumstances as may be specified, enter and remain in or on any premises or property <sup>1</sup>[(notwithstanding that such premises or property would not otherwise be open to the public)] which may be specified or which may be appointed for the purpose of this rule by any specified authority or person.

(3) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or property in accordance with an order made under this rule, or

(b) eject from any premises or property any person who is entitled to remain there by virtue of such an order.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>2</sup>[or with fine or with both].

<sup>3</sup>[51A. (1) The Central Government or the Provincial Government may by general or special order make provision for requiring that persons shall always be present, or shall be present at such times as may be specified in the order, on premises to which the order applies, and shall perform such duties and have such powers in connexion with the detection and extinction of outbreaks of fire as may be specified in the order. Watching of premises to detect fire.

(2) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

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<sup>1</sup> Inserted by D. C. Dept. notification No. 770-OR/41, dated the 19th April 1941.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 5th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Rules 51A, 51B and 51C were inserted by D. C. Dept. notification No. 713-OR/41, dated the 15th February 1941.

(3) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**51B.** <sup>1</sup>[(1) With a view to preventing the spread, or facilitating the extinction, of fire caused by hostile attack from the air, the Central Government or the Provincial Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take such measures as may be specified in the order.]

(2) Any police officer, or any person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with; and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) In the event of any outbreak of fire, any person authorised in this behalf by the Central Government or the Provincial Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of anything in, on or over any land or property.

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**51C.** (1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

- (a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of

<sup>1</sup> Substituted by D. C. Dept. notification No. 856-OR/41, dated the 14th June 1941, for the original sub-rule (1) of rule 51B.

persons and property therein and in the vicinity thereof, in the event of hostile attack;

- (b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

(2) The Central Government may by order require any person or class of persons employed in or in connexion with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated, to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of hostile attack.

(3) Any person authorised in this behalf by the Central Government may at any time—

- (a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been, or ought to be, taken to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack, or

- (b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Central Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable<sup>1\*</sup> by the Collector as if it were an arrear of land revenue<sup>2</sup> [from such person or authority, or where such person

<sup>1</sup> The words "from such person or authority" omitted by D. C. Dept. notification No. 713-OR/41, dated the 19th February 1941.

<sup>2</sup> Added, *ibid.*

is the manager or agent of a mine or the manager of a factory, from the owner of the mine or, as the case may be, the occupier of the factory].

<sup>1</sup>[(4A) For the purposes of this rule—

(i) “mine” means any mine subject to the operation of the Mines Act, 1923;

IV of 1923.

(ii) “factory” means any factory subject to the operation of the Factories Act, 1934, and includes any other premises which in the opinion of the Central Government are being used for maintaining supplies or services essential to the life of the community.]

XXV of 1924.

(5) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

Security of  
buildings.

<sup>2</sup>[51D. (1) The Central Government or the Provincial Government may by order as respects any area specified in the order provide for securing that, subject to any exemptions for which provision may be made in the order, no building, or no building of such class as may be specified in the order, shall be erected, extended or structurally altered except with the permission of that Government and in accordance with such requirements as to lay-out, materials and construction as that Government may impose, being requirements which it is in the opinion of that Government necessary to impose for the purpose of rendering the building less vulnerable to air raids or of affording better protection to persons using or resorting to it.

(2) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

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<sup>1</sup> Inserted by D. C. Dept. notification No. 871-SM/41, dated the 20th September 1941.

<sup>2</sup> Substituted by D. C. Dept. notification No. 796-OR/41, dated the 16th August 1941, for the original rule which was inserted by D. C. Dept. notification No. 796-OR/41, dated the 3rd May 1941.

<sup>1</sup>[51E. (1) The Central Government or the Provincial Government may by order, as respects such premises as may be specified in the order,—

Camouflage.

(a) require the owner of the premises to take such measures as may be specified in the order, or

(b) authorise any person to take such measures as may be so specified,

being measures which are in the opinion of that Government necessary to secure that such premises are or can be made less readily recognisable in the event of hostile attack.

(2) No person shall, except with permission granted by or on behalf of the Central Government or the Provincial Government, as the case may be, remove, alter, or tamper with any work done in pursuance of this rule.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

<sup>2</sup>[51F. (1) In this rule, "the appropriate Government" means, in relation to Cantonment authorities and in relation to port authorities in major ports, the Central Government, and in relation to other local authorities the Provincial Government.

Power to require local authorities to take precautionary measures.

(2) The provisions of this rule and of any order made thereunder shall have effect notwithstanding anything contained in any law or instrument defining the powers, duties or obligations of a local authority.

(3) The appropriate Government may by order require any local authority to take, within such period as may be specified in the order, such measures as may be so specified, being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority, in the event of hostile attack; and thereupon—

(a) it shall be the duty of the local authority to comply with the order,

(b) the funds of the local authority shall be applicable to the payment of the charges and expenses incidental to such compliance, and

(c) priority shall be given to such compliance over all other duties and obligations of the local authority.

<sup>1</sup> Inserted by D. C. Dept. notification No. 987-OR/41, dated the 23rd August 1941.

<sup>2</sup> Inserted by D. C. Dept. notification No. 871-SM/41, dated the 6th September 1941.

(4) If in the opinion of the appropriate Government any local authority which has been ordered under sub-rule (3) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the appropriate Government<sup>1</sup> [may authorise any person to take or complete the said measures; and any person so authorised may, for the purpose of taking or completing the said measures, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.]

<sup>2</sup>[(5) The appropriate Government may, if it considers it necessary or expedient so to do, by order authorise any person to take over from a local authority and administer in accordance with such directions as may be issued from time to time by that Government such of the services of the local authority as may be specified in the order; and any person so authorised may, for the purpose of administering the said services, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.]

(6) If the appropriate Government is of opinion that any local authority has failed to comply, or has delayed in complying, with any order made under sub-rule (3), or that it is necessary or expedient so to do for ensuring the due maintenance of the vital services of the authority in the event of hostile attack, the appropriate Government may by order supersede the local authority for such period as may be specified in the order.

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<sup>1</sup> Substituted by D. C. Dept. Notfn. No. 871-SM/41, dated the 18th December 1941.

<sup>2</sup> Added. *ibid.*



(7) When an order of supersession has been made under sub-rule (6)—

- (a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members;
- (b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, during the period of supersession, be exercised and performed by such person or persons as the appropriate Government may direct;
- (c) all property vested in the local authority shall, during the period of supersession, vest in the appropriate Government.

(8) On the expiration of the period of supersession specified in the order under sub-rule (6), the appropriate Government may—

- (a) extend the period for such further term as it may consider necessary;
- (b) by order direct that the local authority shall be re-constituted in the manner provided for the constitution of the authority by or under the ordinary law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (7) shall not be deemed disqualified for election, appointment or nomination; or
- (c) by order direct that the local authority shall be re-constituted by the persons who vacated their offices under clause (a) of sub-rule (7) and shall recommence functioning as if it had not been superseded;

Provided that the appropriate Government may at any time before the expiration of the period of supersession whether as originally specified under sub-rule (6) or as extended under this sub-rule take action under clause (b) or clause (c) of this sub-rule.]

<sup>1</sup>[51G. [(1) The Central Government or the Provincial Government may by order, in respect of any articles or substances from the explosive or inflammable nature of

"Keeping of dangerous articles and substances."

<sup>1</sup> Inserted by D. C. Dept. Notfn. No. 966-OR/41, dated the last November 1941.

which special risks are in the opinion of that Government likely to arise in the event of hostile attack, issue directions :—

- (a) prohibiting the keeping of such articles or substances in or on such premises as may be specified in the order ;
- (b) prescribing the quantity of such articles or substances which may be kept in or on any premises ;
- (c) requiring the owner or occupier of any premises in or on which such articles or substances are kept to take such measures as may be specified in the order for the protection of persons or property therein or thereon, or in the vicinity thereof ;
- (d) for any incidental or supplementary matters for which that Government thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order.

(2) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

control of  
lights and  
sounds.

**52.** (1) The Central Government or the Provincial Government may by order provide—

- (a) for prohibiting or regulating the display of lights of any specified description ;
- <sup>1</sup>[(aa) for the screening of any lighting apparatus, whether for the time being alight or not, carried on, or attached to, any specified class of vehicles ;]
- (b) for securing that, in specified circumstances, indication of the position of such premises and places, and warning of the presence of such vehicles and vessels, as may be specified shall be given by means of such lights as may be specified, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed or used ;

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<sup>1</sup> Inserted by D. C. Dept. notification No. 538-OR/40, dated the 31st August 1940.

- (c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to it to be necessary for avoiding danger consequent on compliance with any provisions of an order made under this rule which relate to the lighting of roads or of vehicles on roads;
- (d) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flames, sparks or glare or the making of noise.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area or different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of, or in relation to, any light, premises, place, vehicle, vessel, apparatus, road or activity to which the order applies, any police officer, or any person authorised in this behalf by the authority making the order, may take such steps and use such force as may, in his opinion, be reasonably necessary for giving effect to the order, and in the exercise of this power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this rule is contravened in respect of any premises, place, vehicle or vessel, the occupier of the premises or place, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall (without prejudice to any proceedings which may be taken against any other person) be deemed to have contravened the provisions of this rule:

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention or non-compliance occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

Curfew.

53. (1) The Central Government or the Provincial Government may, by order, direct that, subject to any specified exemption, no person present within any specified area shall between such hours as may be specified be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

## PART IX.

### CONTROL OF ARMS AND EXPLOSIVES.

Carrying and possession of arms and explosives.

54. <sup>2</sup>[(1) The Central Government or the Provincial Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of—

(a) arms or articles capable of being used as arms;

(b) ammunition;

(c) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884.] <sup>IV of 1884.</sup>

(2) Without prejudice to any powers conferred by or under any other law for the time being in force,—

(a) if any police officer not below the rank of head constable or any other public servant authorised by the Central Government or a Provincial Government to act under this rule, suspects that any arms, <sup>3</sup>[articles capable of being used as arms,] ammunition, or explosive substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle,

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940, for the original sub-rule (1).

<sup>3</sup> Inserted, *ibid.*

aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been committed at any time of the day or night, and may seize any arms, <sup>1</sup>[articles capable of being used as arms], ammunition, or explosive substances found therein or thereon which he suspects to be therein or thereon in contravention of such order;

- (b) if any police officer, or any other public servant authorised by the Central Government or the Provincial Government to act under this rule, suspects that any person is carrying, or in possession of, arms, <sup>1</sup>[articles capable of being used as arms,] ammunition, or explosive substances <sup>2\*</sup> \* in contravention of an order made under sub-rule (1) such officer or other public servant may stop and search or cause to be searched such person and seize any arms, <sup>1</sup>[articles capable of being used as arms,] <sup>3</sup>[ammunition or explosive substances] <sup>2\*</sup> \* possessed or carried by him <sup>1</sup>[which such officer or other public servant suspects to be possessed or carried] in contravention of such order :

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, explosive substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the Provincial Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>4</sup>[or with fine or with both].

55. (1) The Central Government may, as respects any premises used for producing, treating, handling or

Manufacture and transport of explosives and other dangerous articles.

<sup>1</sup> Inserted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940.

<sup>2</sup> The words "or other articles" omitted, *ibid*.

<sup>3</sup> Substituted, *ibid*, for the words "ammunition, explosive substances".

<sup>4</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

keeping any munitions of war, explosives or petroleum or any other substance to which any of the provisions of the Indian Explosives Act, 1884, or of the Petroleum Act, 1934, apply, or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises; and by any such order may authorise the searching of persons entering, or seeking to enter, or being within any premises to which the order applies :

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1934.

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Central Government may by order make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-rule (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to two years <sup>1</sup>[or with fine or with both].

## PART X.

### PUBLIC SAFETY AND ORDER.

Control of  
processions,  
meetings, etc.

56. (1) <sup>2</sup>[The Central Government or the Provincial Government] may, <sup>3</sup>[for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war] by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies \* \* \* <sup>4</sup>.

(2) For the purposes of sub-rule (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this rule.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940, for the words "The Provincial Government."

<sup>3</sup> Inserted by D. C. Dept. notification No. 232-OR/5/39, dated the 9th September, 1939.

<sup>4</sup> The words "for such period as may be specified in the order" omitted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

57. (1) The Central Government <sup>2</sup>[or the Provincial Government] may, by general or special order, prohibit, restrict or impose conditions upon, the use or possession of any motor vehicle by any person, other than a member of His Majesty's forces, without, a permit from such military authority as may be specified or from the senior police officer in the district in which the said person resides. Power to restrict use of motor vehicles.

(2) If any police officer or any other person authorised by the Central Government <sup>2</sup>[or the Provincial Government], in this behalf suspects that any motor vehicle is or is kept in or upon any building, land, vehicle, vessel or other premises or is being used by any person in contravention of an order made under this rule, such officer or person may—

(i) enter and search such building, land, vehicle, vessel or other premises at any time of the day or night and may seize any motor vehicle found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(ii) stop such person and seize any motor vehicle which is being used in contravention of such order.

(3) <sup>3</sup>[The Central Government or the Provincial Government may] declare any motor vehicle seized in pursuance of this rule to be forfeited to His Majesty and thereupon such motor vehicle shall be disposed of in such manner as may be <sup>4</sup>[ordered by that Government].

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

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<sup>1</sup> Substituted by D. C. Dept., notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept., notification No. 895-SM/41, dated the 26th July 1941.

<sup>3</sup> Substituted by D. C. Dept., notification No. 895-SM/41, dated the 26th July 1941, for the words "The Central Government may."

<sup>4</sup> Substituted, *ibid*, for the words "ordered by the Central Government."

Unlawful  
drilling.

58. (1) The Central Government or the Provincial Government may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

Unofficial  
uniforms,  
etc.

59. <sup>2</sup>[(1) If the Central Government or the Provincial Government is satisfied that—

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force,

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem, would be likely to prejudice the public safety, the maintenance of public order, the defence of British India or the prosecution of the war, the Central Government or the Provincial Government as the case may be, may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.]

(2) For the purposes of this rule, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

## PART XI.

### SHIPPING AND AIRCRAFT.

General  
control of  
navigation.

60. (1) The Provincial Government as respects inland waters, and the Central Government as respects waters other than inland waters, may by order make provision for regulating the places in or to which vessels

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 536-OR/40, dated the 3rd August 1940, for the original sub-rule (1).



may be or go, and the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, in such waters.

(2) If in the case of any vessel any order made under sub-rule (1) is contravened, the master of the vessel shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[60A. (1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient prosecution of war, by order require any vessel registered in British India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

Power to exclude Indian vessels from Particular areas.

(2) If in the case of any vessel registered in British India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

61. (1) No person shall, except under permission granted by the Central Government, discontinue, alter or remove, or make any variation in the mode of exhibiting or operating, any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft.

Control of buoys, lights, etc.

(2) The Central Government may make orders for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

62. (1) The Central Government may by order make provision—

Measures for safety of Indian vessels.

(a) for securing that any vessel registered in British India shall not, except under permission

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 418-OR/40, dated the 29th June 1940.

granted by the Central Government, proceed to sea from any port (whether within or outside British India) unless such requirements in respect of the alteration of the structure or external appearance of the vessel, and in respect of the equipping of the vessel with any particular apparatus, contrivance, appliance or defensive equipment, as may be contained in the order have been complied with ;

(b) for securing the proper maintenance and efficient use of any apparatus, contrivance, appliance or defensive equipment with which any such vessel is equipped in pursuance of the order ;

<sup>1</sup>[(bb) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried in connexion with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise ;]

(c) for any incidental or supplementary matters for which it appears to the Central Government to be necessary for the purposes of the order to provide.

(2) An order under sub-rule (1) may be made so as to apply either to a particular vessel or to vessels of a particular class, and so as to apply to any such vessel or vessels either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified.

(3) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].

<sup>3</sup>[62A. (1) The Central Government may by order make provision for securing that there shall be kept on board any vessel or class of vessels while in port in British India such class or description of persons, or such number of persons, or such number of persons of such class or description, as may be specified in the order.

Measures  
for safety of  
vessels in  
ports.

<sup>1</sup> Inserted by D. C. Dept. notification No. 547-OR/40, dated the 17th August 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Inserted by D. C. Dept. notification No. 843-OR/41, dated the 9th August 1941.

(2) Any member of His Majesty's forces acting in the course of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any such order applies for the purpose of ascertaining whether the provisions of the order are being complied with.

(3) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.]

<sup>1</sup>[62B. (1) In this rule, unless the context otherwise requires, Loading of ships.

XI of 1923.

(a) "the Act" means the Indian Merchant Shipping Act, 1923;

(b) "assigning authority" has the same meaning as in the load-line rules:

(c) "load-line rules", "load-line certificate" and "international load-line certificate" have the same meanings as in the Act;

(d) "unsafe ship" has the same meaning as in sub-section (1) of section 232 of the Act.

(2) Sub-section (1) of section 221 of the Act shall have effect, in relation to a ship to which this sub-rule applies, subject to the following amendments:—

(a) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the summer load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical load-line so prescribed;

(b) where the ship is entitled under the load-line rules to be loaded to the depth indicated by the tropical load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical fresh water load-line so prescribed.

(3) Subject to the provisions of this rule, sub-rule (2) shall apply to all British ships registered in British India (not being exempt from the provisions of Part V

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<sup>1</sup>Ins., D. C. Dept. Notfn. No. 1135-OR/41, dated the 29th November 1941.

of the Act, relating to load-lines) with such exceptions and subject to such restrictions as may be specified in a general or special order by the Central Government.

(4) Sub-rule (2) shall not apply to a ship unless the load-line certificate issued in respect thereof bears an endorsement in the prescribed form signed by or on behalf of an assigning authority stating—

- (a) that the ship is one to which the said sub-rule applies;
- (b) the effect of the said sub-rule;
- (c) any restrictions specified in any such order subject to which the said sub-rule applies to the ship.

(5) A certificate issued in respect of a ship shall not be endorsed by or on behalf of an assigning authority in pursuance of sub-rule (4) unless the authority is satisfied that the ship, if loaded in accordance with sub-section (1) of section 221 of the Act [as amended by sub-rule (2)], will not be an unsafe ship.

(6) It shall be the duty of the owner of every ship mentioned in sub-rule (3) not being a ship excepted by an order made by the Central Government under that sub-rule, to apply in writing to an assigning authority within the prescribed time for endorsement of the ship's load-line certificate in pursuance of sub-rule (4).

(7) After receiving any such application with respect to a ship, the assigning authority may by order in writing served on the owner or master of the ship exercise all or any of the following powers, namely:—

- (a) require such documents and information with respect to the ship as may be specified in the order to be delivered to it within such period as may be so specified;
- (b) require the ship to be submitted for survey at such place and within such period as may be so specified;
- (c) in a case where it appears to the assigning authority (whether as the result of a survey or otherwise) that the ship, if loaded as mentioned in sub-rule (5) would be an unsafe ship, require the ship, within such period as may be so specified, to be altered in such manner, or to be equipped with such apparatus, contrivances or appliances, as may be so specified, being alterations or equipment which in its opinion will cause the ship not to be an unsafe ship if loaded as aforesaid;

(d) require the ship's load-line certificate to be delivered to it for endorsement within such period as may be so specified.

(8) The provisions of clause (ii) of sub-section (1) of section 224C and sub-section (1) of section 224D of the Act shall, in the case of a ship the load-line certificate of which has been endorsed by virtue of sub-rule (4) have effect as if the particulars mentioned in the said provisions included particulars of the endorsement.

(9) Where the load-line certificate of a ship has been endorsed by virtue of sub-rule (4) and the ship ceases by virtue of an order under sub-rule (3) to be a ship to which sub-rule (2) applies, the owner of the ship shall forthwith deliver up the certificate to an assigning authority who shall cancel the endorsement.

(10) Where the Central Government is satisfied that provision has been made by the law of any country to which the International Convention respecting Load-lines, 1930, applies similar to the provisions of sub-rule (2) and for the endorsement of load-line certificates of ships of that country in manner similar to that required by sub-rule (4) it may by order direct that, where a certificate issued in respect of a ship of that country bears such an endorsement in such form as may be specified in the order, the certificate—

(a) shall be deemed for the purposes of Part V of the Act, to be a valid international load-line certificate, notwithstanding that it bears the endorsement, if, but for the endorsement, it would be such a certificate; and

(b) shall have effect, for the purposes of the said Part V, as varied by the endorsement.

(11) Where an order is in force under sub-rule (10) as respects ships of any country, section 224I of the Act shall have effect in relation to any such ship as if the following sub-clause were substituted for sub-clause (a) of clause (ii) thereof, namely :—

‘(a) in case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded;’

(12) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees.]

Provisioning of  
Vessels.

<sup>1</sup>[62C.—(1) The Central Government may for the purpose of securing the defence of British India, the public safety, the efficient prosecution of war or for maintaining supplies and services essential to the life of the community, by general or special order make provision for requiring any—

(a) vessel proceeding to sea from a port in British India on a voyage to any port in India, Burma or Ceylon,

(b) vessel registered in British India proceeding to sea from any port,

to have on board such emergency rations as may be specified in the order.

(2) Any provisions of an order under sub-rule (1) may be framed so as to apply to any specified class of such vessels and so as to apply to any such vessel while engaged in such trades as may be specified in the order.

(3) If any vessel proceeds or attempts to proceed to sea without complying with an order under sub-rule (1) or if otherwise there is any contravention of such an order in the case of a vessel, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to six months or with fine or with both.]

Employment  
in Indian  
vessels.

63. (1) The Central Government may, as respects any class of vessels registered in British India, by order make provision—

(a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board the vessels to which the order applies;

(b) for prohibiting the employment of any persons or class of persons on board such vessels unless they are holders of certificates of identity issued in such form and manner as may be specified and for determining the circumstances in which certificates of identity may be granted and revoked.

(2) An order under sub-rule (1) may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified and so as to restrict the employment of persons on such vessels as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

<sup>1</sup>Ins. D. C. Dept. notification No. 981-OR/41, dated the 20th December 1941.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

XXI of 1923. <sup>2</sup>[63A. Notwithstanding anything contained in section 12 of the Indian Merchant Shipping Act, 1923, an officer who has been authorised by or on behalf of the competent authority in the United Kingdom under Regulation 47C of the Defence (General) Regulations, 1939, to act as master or officer of any grade of a British ship shall, while acting in pursuance of the authorisation, be deemed to be duly certificated under the said Act.] Officers authorised in United Kingdom deemed duly certificated

64. (1) The Central Government, with a view to preventing the employment abroad, in connexion with the management of vessels registered in British India of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may be specified, the owner, manager or charterer of any vessel registered in British India, being a person resident in British India, or a corporation incorporated under the law of British India, shall not employ in any foreign country or territory, in connexion with the management of the vessel, any person other than a person approved for the purpose by the Central Government; and an order under this rule may be made so as to apply either generally to employment in all foreign countries or territories or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order. Employment abroad of agents for Indian vessels.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

65. (1) Without prejudice to any order made under sub-rule (1) of <sup>3</sup>[rule 60], the Central Government, with a view to securing that vessels registered in British India are used in such manner only as the Central Government considers expedient in the interests of the defence of British India and the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that any such vessel registered in British India as Control of trade by sea.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 537-OR/40, dated the 3rd August, 1940.

<sup>3</sup> Substituted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939, for the word and figures "rule 61".

may be specified in the order shall not proceed to sea from any port (whether within or outside British India) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

- (a) the trades in which the vessel may be engaged and the voyages which may be undertaken by the vessel;
- (b) the class of cargoes or passengers which may be carried in the vessel;
- (c) the hiring of the vessel and the terms upon which cargoes or passengers may be carried in the vessel;

and may also contain provisions for requiring any vessel in respect of which such a licence is in force to comply with any directions given on behalf of the Central Government as to the ports to which and the routes by which the vessel is to proceed for any particular purposes.

(2) Any provisions of an order made under sub-rule (1) may be framed so as to apply to any such vessels either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

(3) Without prejudice to any of the provisions of sub-rules (1) and (2), the Central Government, with a view to regulating the use of vessels in the coasting trade, may by order provide that no vessel shall proceed to sea from any port in British India on a voyage to any other such port except under the authority of a licence granted by such authority or person as may be specified in the order.

(4) Without prejudice to any order made under sub-rule (1) of rule 60 or to any other provision of these Rules, the Central Government may make such orders with respect to any <sup>1</sup>[vessel or class of vessels]—

- (a) for securing that goods or passengers shall not be put off or taken on board <sup>2</sup>[such vessel or class of vessels] in British India elsewhere than at a prescribed port,
- (b) for determining the class of goods or passengers that may be put off or taken on board <sup>2</sup>[such

<sup>1</sup> Substituted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939, for the words "particular vessel".

<sup>2</sup> Substituted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939, for the words "the vessel".



vessel or class of vessels] at a port in British India, <sup>1</sup>[or

- (c) for determining the order of priority in which specified goods or classes of goods shall be put off or taken on board such vessel or class of vessels at a port in British India,]

as the Central Government considers necessary or expedient in the interests of the defence of British India and the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community.

(5) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, or if otherwise there is any contravention of such an order in the case of a vessel, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].

66. <sup>3</sup>[(1) The Central Government may by order in writing requisition— Requisitioning of vessels.

(a) any vessel in British India or anything on board a vessel in British India;

(b) any vessel registered in British India, or any thing on board such vessel, wherever such vessel may be;

and may make such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning:

Provided that the preceding provisions of this rule shall not authorise the requisitioning of any vessel registered in the United Kingdom or in any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board such vessel.]

<sup>4</sup>[(1a) Any vessel requisitioned under the Requisitioning of Vessels Ordinance, 1939, shall be deemed to have been requisitioned by order of the Central Government under sub-rule (1).]

<sup>1</sup> Inserted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Substituted by D. C. Dept. notification No. 324-OR/40, dated the 17th July 1940, for the original sub-rule (1).

<sup>4</sup> Inserted by D. C. Dept. notification No. 324-OR/40, dated the 10th February 1940.

<sup>1</sup>[(2) Where the Central Government has requisitioned any vessel under sub-rule (1), the Central Government may use or deal with the vessel for such purpose and in such manner as may appear to it to be expedient, and may acquire it by serving on the owner or person having the management thereof a notice stating that the Central Government has acquired it in pursuance of this rule.

Where such notice of acquisition is served on the owner or person having the management of the vessel, then at the beginning of the day on which the notice is served the vessel shall vest in the Central Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end. ;]

<sup>2</sup>[(2a) The Central Government may by order require the owner, or the person having the management, of any vessel registered in British India to furnish to such authority as may be specified in the order such information in his possession relating to the vessel or to things on board the vessel (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified.]

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>3</sup>[or with fine or with both].

Power to  
restrict the  
transfer of  
vessels.

**67.** (1) No person shall transfer or acquire any interest in any vessel registered in British India without the previous consent in writing of the Central Government.

(2) Notwithstanding anything contained in section 53 of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of the Ordinance) for the transfer of the registry of a ship registered in British India from one port to another, shall not be granted except with the approval of the Central Government.

57 & 58 Viet.,  
c. 60.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprison-

<sup>1</sup> Substituted by Defence Co-ordination Department notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rule (2).

<sup>2</sup> Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

<sup>3</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

ment for a term which may extend to seven years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[(4) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.]

<sup>3</sup>[67A. (1) In this rule "foreign ship" means a ship which is not a ship registered in the British Isles, or in India, or in British Burma, or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony. Power to restrict use of foreign ships.

(2) The Central Government may by notified order make provision for regulating or restricting the charter by persons in British India, whether on their own behalf or as agents for other persons whether within or without British India, of foreign ships or of space or accommodation therein and the entering into agreements for the carriage of goods in foreign ships by or on behalf of persons in British India.

(3) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with fine.]

68. (1) The Central Government may by order in writing require the owner, or the person having the management, or the master, of any vessel registered in British India— Power to take up accommodation in certain vessels.

(a) to place at the disposal of Government the whole or any part of the space or accommodation available on such vessel, and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order, and

(b) to undertake or permit to be undertaken such structural additions or alterations on board such vessel as may be necessary to fit it for the safe carriage of any persons, animals or things.

(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any vessel is placed at the disposal of the Central Government <sup>4</sup>[and the

<sup>1</sup> Inserted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Inserted by D. C. Dept. notification No. 115-OR/39, dated the 11th November 1939.

<sup>3</sup> Inserted by D. C. Dept. notification No. 1040-OR/41, dated the 9th October 1941.

<sup>4</sup> Inserted by D. C. Dept. notification No. 209-OR/39, dated the 6th October 1939.

circumstances are not such as to render the provisions of <sup>1</sup>[section 19 of the Defence of India Act, 1939,] applicable], the owner of such vessel shall be paid therefor at such rates as the Central Government may by order made in this behalf determine.

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any vessel, the owner of such vessel shall be paid the actual cost of such additions or alterations.

(4) Where, in respect of any vessel, there subsists between a British subject resident in India or a corporation incorporated under the law of British India and any other person a charter-party or other contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first-mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Central Government; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred on or after the said date, have effect, subject to the provisions of sub-rule (1), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(5) The Central Government may at any time cancel a notice served under the provisions of sub-rule (4) in respect of a contract, and thereupon the provisions of the said sub-rule shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(6) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].

<sup>1</sup> Substituted by D. C. Dept. notification No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

69. <sup>1</sup>[(1) The Central Government, if it appears to it to be necessary or expedient so to do in the interests of the defence of British India, the public safety or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may by order direct—

Stopping of vessels.

(a) as regards any class of vessels in British India, that no vessel of that class shall leave any port or place in British India at which it may be, or

(b) as regards any particular vessel at any port or place in British India, that that vessel shall not leave that port or place,

except with permission granted by such authority as may be specified in the order.

(2) If any vessel leaves or attempts to leave any port or place in contravention of an order made under sub-rule (1), the master of the vessel shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].]

70. <sup>3</sup>[(1) No person shall without the previous consent in writing of the Central Government transfer or acquire any interest in any aircraft registered under the Indian Aircraft Act, 1934, <sup>4</sup>[wherever such aircraft may be] whether the certificate of registration of such aircraft is in force or not, or in any part of an aircraft, or in any materials identified, under any system recognised by the Director of Civil Aviation in India, for the purpose of the construction of aircraft.

Power to restrict the transfer of aircraft.

(1A) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.]

(2) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to seven years <sup>2</sup>[or with fine or with both].

71. The pilot of any aircraft flying in contravention of any provision of, or of any rule made under, the

Enforcement of provisions of the Indian Aircraft Act and Rule.

<sup>1</sup> Substituted by D. C. Dept. notification No. 484-OR/40, dated the 1st February 1941, for the original rule which was inserted by D. C. Dept. notification No. 3540/40, dated the 18th May 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Substituted by D. C. Dept. notification No. 115-OR/39, dated the 11th November 1939, for the original sub-rule (1).

<sup>4</sup> Inserted by D. C. Dept. notification No. 631-OR/40, dated the 8th February 1941.

Indian Aircraft Act, 1934, shall, on being warned in the manner prescribed by the rules made under that Act, immediately land, and if such pilot fails to comply with such warning as aforesaid, any commissioned officer of His Majesty's forces may take or cause to be taken such action as may be necessary to terminate the flight. XXII of 1934.

Requisitioning  
of aircraft.

**72.** (1) The Central Government, subject to the provisions of sub-rule (2), may by order in writing requisition—

- (a) any aircraft in British India and anything on board or forming part of any aircraft in British India;
- (b) any aircraft registered under the Indian Aircraft Act, 1934, or anything on board or forming part of such an aircraft wherever such aircraft may be; XXII of 1934.
- (c) any machinery, plant, material or thing used for the operation, manufacture, repair or maintenance of aircraft;

and may give such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning.

(2) Nothing in sub-rule (1) shall authorise the requisitioning of any aircraft registered in the United Kingdom, or any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board or forming part of such aircraft.

<sup>1</sup>[(3) Where the Central Government has requisitioned any aircraft under sub-rule (1), the Central Government may use or deal with the aircraft for such purpose and in such manner as may appear to it to be expedient, and may acquire it by serving on the owner or person having the management thereof a notice stating that the Central Government has acquired it in pursuance of this rule.

Where such notice of acquisition is served on the owner or person having the management of the aircraft, then at the beginning of the day on which the notice is served the aircraft shall vest in the Central Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end.]

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<sup>1</sup> Substituted by Defence Co-ordination Department notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rule (3).

<sup>1</sup>[(3a) The Central Government may by order require the owner, or the person having the management of, any such aircraft or thing as is referred to in sub-rule (1) to furnish to such authority as may be specified in the order such information in his possession relating to the said aircraft or thing (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified.]

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].

73. (1) The Central Government may, by order in writing, require the owner or the person having the management or the pilot of any aircraft registered under the Indian Aircraft Act, 1934,—

Power to take up accommodation in aircraft.

(a) to place at the disposal of Government the whole or any part of the space or accommodation available in or on such aircraft and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order; and

(b) to undertake or permit to be undertaken such structural additions or alterations to such an aircraft as may be necessary to fit it for the safe carriage of any persons, animals or things.

(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any aircraft is placed at the disposal of the Central Government <sup>3</sup>[and the circumstances are not such as to render the provisions of <sup>4</sup>[section 19 of the Defence of India Act, 1939,] applicable], the owner of such aircraft shall be paid therefor at such rates as the Central Government may by order made in this behalf determine.

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<sup>1</sup> Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September, 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Inserted by D. C. Dept. notification No. 209-OR/39, dated the 6th October 1939.

<sup>4</sup> Substituted by D. C. Dept. notification No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any aircraft, the owner of such aircraft shall be paid the actual cost of such additions or alterations.

(4) Where in respect of any aircraft there subsists between a British subject resident in India or a corporation incorporated under the law of British India and any other person a contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first-mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Central Government; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred on or after the said date, have effect, subject to the provisions of sub-rule (1), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(5) The Central Government may at any time cancel a notice served under sub-rule (4) in respect of a contract, and thereupon the said sub-rule shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(6) If any order made under sub-rule (1) is contravened, the pilot of the aircraft and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Stopping of  
aircraft.

74. (1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of British India so to do, order, with respect to any particular aircraft at any place in British India, that the aircraft shall not leave the place until permitted to do so by such authority or person as may be prescribed in the order.

(2) Subject to the provisions of sub-rule (3), if any aircraft leaves or attempts to leave any place in contravention of any such order as aforesaid, the pilot of the

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".



aircraft shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

(3) Any order made under this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

75. (1) The Central Government may, by order, make provision as to the places in British India in or to which seaplanes may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of seaplanes on the surface of the water. Control of navigation of seaplanes.

(2) For the purposes of this rule seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while they are in contact therewith.

(3) If in the case of any seaplane an order made under the provisions of sub-rule (1) is contravened, the pilot of the seaplane shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

## PART XII.

### ESSENTIAL SUPPLIES AND WORK.

76. (1) The Central Government or the Provincial Government may by order in writing requisition any building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things therein, and may make such further order as appear to that Government to be necessary or expedient in connection with the requisitioning: Powers relating to buildings and premises.

Provided that no premises or things used for the purpose of religious worship shall be requisitioned under this rule.

<sup>2</sup>[(2) Where the Central Government or the Provincial Government has requisitioned any premises or thing under sub-rule (1), that Government may use or deal with such premises or thing in such manner as may appear to it to be expedient, and may acquire such premises or thing by serving on the owner thereof a notice stating that the Central Government or the Provincial Government, as the case may be, has acquired them or it in pursuance of this rule.]

<sup>1</sup>Substituted by D. C. Dept. notification No. 701-OR/41, dated the 16th February 1941, for the words " and shall also be liable to fine".

<sup>2</sup>Substituted by D.C. Dept. notification No. 1128-OR/41, dated the 26th November 1941.

Where such notice of acquisition is served on the owner of the premises or thing, then at the beginning of the day on which the notice is served the premises or thing shall vest absolutely in that Government free from all encumbrances, and the period of the requisition thereof shall end.]

<sup>1</sup>[(2a) The Central Government or the Provincial Government may by order—

(a) require the owner or occupier of any building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his possession relating to the building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified;

(b) direct that such owner or occupier shall not, without the permission of the Central Government or the Provincial Government, as the case may be, <sup>2</sup>[dispose of or structurally alter such building, part of a building, or other premises, or dispose] of any fixtures, fittings, furniture or other things therein, till the expiry of such period as may be specified in the order.]

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>3</sup>[or with fine or with both].

Powers relating  
to storage  
& accommoda-  
tion.

<sup>4</sup>[76A. (1) The Central Government <sup>5</sup>[or the Provincial Government] may by order in writing require the owner, or the person having the management, of any warehouse or cold storage depot to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order; and such an order may require the said owner

<sup>1</sup> Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

<sup>2</sup> Substituted by D. C. Dept. Notification No. 1164-OR/41, dated the 20th December 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

<sup>4</sup> Inserted by D. C. Dept. notification No. 294-OR/39, dated the 1st December 1939.

<sup>5</sup> Inserted by D. C. Dept. notification No. 898-SM/41, dated the 6th September 1941.

or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-rule (1) any space or accommodation in a warehouse or cold storage depot is placed at the disposal of the Central Government <sup>1</sup>[or, as the case may be, of the Provincial Government], and the circumstances are not such as to render the provisions of section 19 of the

XXXV of 1939.

Defence of India Act, 1939, applicable, the owner of such warehouse or cold storage depot shall be paid therefor at such rates <sup>1</sup>[as that Government] may by order made in this behalf determine.

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>3</sup>[or with fine or with both].

77. Nothing contained in any law for the time being in force, or in any rule made under any such law, to regulate the erection, re-erection, construction, alteration or maintenance of buildings, shall apply to any building the use of which by or on behalf of Government is certified by the Central Government <sup>4</sup>[or the Provincial Government] to be necessary or expedient for the successful prosecution of the war and the defence of British India. Power to exempt buildings from the operation of building laws.

78. (1) For the purposes of this rule, the doing of work on land shall include the demolition or rendering useless of anything placed in, on or over the land, the removal from the land of anything so demolished or rendered useless <sup>5</sup>[the clearing of any site on which substantial damage has occurred by reason of war operations] and the maintenance of any work or thing in, on or over the land. Power to do work on land.

(2) Any member of His Majesty's forces acting in the course of his duty as such, and any other person authorised by the Central Government <sup>5</sup>[or the Provincial Government] in that behalf, may, if in the opinion of such member or person it is necessary or expedient so to

<sup>1</sup> Inserted by D. C. Dept. notification No. 898-SM/41, dated the 6th September 1941.

<sup>2</sup> Substituted by *ibid*, for the words "as the Central Government".

<sup>3</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February, 1941, for the words "and shall also be liable to fine".

<sup>4</sup> Inserted by D. C. Dept. notification No. 898-SM/41, dated the 6th September 1941.

<sup>5</sup> Inserted by D. C. Dept. notification No. 699-OR/41, dated the 15th March 1941.

do for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, do any work on any land, or place anything in, on or over any land.

(3) If in the opinion of the Central Government <sup>1</sup>[or the Provincial Government] it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order, or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, <sup>2</sup>[that Government may] by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(4) No person shall, except with permission granted by or on behalf of the Central Government <sup>1</sup>[or the Provincial Government, as the case may be], remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this rule.

<sup>1</sup>[(44) Anything removed from any land in pursuance of this rule may be sorted, stored and, in so far as it appears to be valueless, disposed of in such manner as may be directed by any person authorised in that behalf by the Central Government or the Provincial Government, as the case may be.]

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, <sup>3</sup>[or with fine or with both].

Requisition-  
ing of land.

79. (1) If <sup>4</sup>[in the opinion of the Central Government or the Provincial Government] it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, <sup>5</sup>[that Government may] by order in writing

<sup>1</sup> Inserted by D. C. Dept. notification No. 699-OR/41, dated the 15th March 1941.

<sup>2</sup> Substituted by *ibid*, for the words "the Central Government may".

<sup>3</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>4</sup> Substituted by D. C. Dept. notification No. 791-OR/41, dated the 26th April 1941 for the words "in the opinion of the Central Government".

<sup>5</sup> Substituted by D. C. Dept. notification No. 791-OR/41, dated the 26th April 1941, for the words "the Central Government may".

requisition any land and may make such further orders<sup>1</sup>[as appear to it] to be necessary or expedient in connection with the requisitioning :

Provided that no land used for religious purposes shall be requisitioned under this rule.

<sup>2</sup>[(2) Where any land has been requisitioned by the Central Government or the Provincial Government under sub-rule (1), that Government may use or deal with such land in such manner as may appear to it to be expedient, and may acquire such land by serving on the owner thereof a notice stating that the Central Government or the Provincial Government, as the case may be, has acquired it in pursuance of this rule.

Where such notice of acquisition is served on the owner of the land, then at the beginning of the day on which the notice is served the land shall vest absolutely in that Government free from all encumbrances, and the period of the requisition thereof shall end.]

<sup>3</sup>[(3) <sup>4</sup>[The Central Government or the Provincial Government may] by order—

(a) require the owner or the occupier of any land to furnish to such authority as may be specified in the order such information in his possession relating to the land (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified ;

(b) direct that the owner or occupier of any land shall not <sup>5</sup>[without the permission of the Central Government or the Provincial Government, as the case may be], dispose of the land or of any interest therein till the expiry of such period as may be specified in the order.]

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years, <sup>6</sup>[or with fine or with both].

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<sup>1</sup> Substituted by D. C. notification No. 791-OR/41, dated the 26th April 1941, for the words "as appear to the Central Government."

<sup>2</sup> Substituted by D. C. Dept. notification No. 1128-OR/41, dated the 26th November 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940, for the original sub-rule (3).

<sup>4</sup> Substituted by D. C. Dept. notification No. 791-OR/41, dated the 26th April 1941, for the words "the Central Government may".

<sup>5</sup> Substituted by D. C. Dept. notification No. 791-OR/41, dated the 26th April 1941, for the words "without the permission of the Central Government".

<sup>6</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

Use of land  
for purposes  
of His  
Majesty's  
forces.

80. (1) Without prejudice to any other of these Rules, <sup>1</sup>[the Central Government or the Provincial Government may] by order authorise, subject to any restrictions or conditions imposed by the order, the use of any specified land for naval, military or air force purposes, during such period as may be specified; and any such order may, so far as appears <sup>2</sup>[to that Government] to be necessary or expedient for the purposes of the order, provide—

(a) for entitling <sup>3</sup>[any] person using any land in pursuance of the order to do such acts in relation to that land as may be specified;

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, <sup>4</sup>[or with fine or with both].

General  
control of  
industry, etc.

81. (1) In this rule <sup>5</sup>[any reference to article shall be construed as including a reference to electrical energy, and] the expression "undertaking" means any undertaking by way of any trade or business.

(2) The Central Government <sup>6</sup>[or the Provincial Government], so far as appears to it to be necessary or expedient for securing the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide—

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition,

<sup>1</sup> Substituted by D. C. Dept. notification No. 898-SM/41, dated the 6th September 1941, for the words "the Central Government may".

<sup>2</sup> Substituted by *ibid*, for the words "to the Central Government".

<sup>3</sup> Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

<sup>4</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>5</sup> Inserted by D. C. Dept. notification No. 694-OR/41, dated the 5th April 1941.

<sup>6</sup> Inserted by D. C. Dept. notification No. 899-SM/41, dated the 20th November 1941.

use or consumption of articles or things of any description whatsoever <sup>1</sup>[and in particular for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances;]

<sup>2</sup>[(aa) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel;]

(b) for controlling the prices <sup>3</sup>[or rates] at which articles or things of any description whatsoever may be sold <sup>3</sup>[or hired]:

<sup>4</sup>[(bb) for regulating the letting and sub-letting in <sup>5</sup>[any area] of residential accommodation, whether furnished or unfurnished and whether with or without board, and in particular,—

(i) for controlling the rents for such accommodation,

(ii) for preventing the unreasonable eviction of tenants and sub-tenants from such accommodation, and

(iii) for requiring such accommodation to be left either generally, or to specified persons or classes of persons, or in specified circumstances;]

<sup>6</sup>[(c) for regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the Central Government <sup>7</sup>[or

<sup>1</sup> Inserted by D. C. Dept. notification No. 366-OR/40, dated the 8th June 1940.

<sup>2</sup> Inserted by D. C. Dept. notification No. 570-OR/40, dated the 21st September 1940.

<sup>3</sup> Inserted by D. C. Dept. notification No. 662-OR/41, dated the 21st January 1941.

<sup>4</sup> Substituted by D. C. Dept. notification No. 960-OR/41, dated the 2nd August 1941, for clause (bb) of sub-rule (2), which was inserted by Labour Department notification No. B-52, dated the 28th September 1939, and amended by D. C. Dept. notification No. 793-OR/41, dated the 26th April 1941.

<sup>5</sup> Substituted by D. C. Dept. notification No. 949-OR/41, dated the 16th August 1941, for the words and brackets "any urban area (including a cantonment)".

<sup>6</sup> Substituted by D. C. Dept. notification No. 734-OR/41, dated the 8th March 1941, for the original clause (c) of sub rule (2).

<sup>7</sup> Inserted by D. C. Dept. notification No. 899-SM/41, dated the 29th November 1941.

the Provincial Government] essential to any of the above mentioned purposes, and, in particular—

- (i) for requiring work to be done by an undertaking;
- (ii) for determining the order of priority in which, and the period or periods within which work shall be done by an undertaking;
- (iii) for controlling or fixing the charges which may be made by the undertakers in respect of the doing of any work by them; <sup>1\*</sup>
- (iv) for requiring, regulating or prohibiting the engagement in the undertaking of any <sup>2</sup>[employee] or any class or classes of <sup>2</sup>[employees];
- <sup>3</sup>[(v) for requiring the undertaking to provide adequate safeguards against sabotage;]
- (d) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking, <sup>4</sup>[and to employ such accounting and auditing staff], as may be specified in the order;
- (e) for requiring persons carrying on, or employed in connexion with, any undertaking to produce to such authority as may be specified in the order any books, accounts or other documents relating to the undertaking; and for requiring such persons to furnish to such authority as may be specified in the order, such estimates, returns or other information relating to the undertaking as may be specified in the order or demanded thereunder;
- (f) for any incidental and supplementary matters for which the Central Government <sup>5</sup>[or the Provincial Government] thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order;

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<sup>1</sup> The word "and" omitted by D. C. Dept. notification No. 927-OR/41, dated the 20th September 1941.

<sup>2</sup> Substituted by *ibid*, for the words "workman" and "workmen", respectively.

<sup>3</sup> Inserted by *ibid*.

<sup>4</sup> Inserted by D. C. Dept. notification No. 734-OR/41, dated the 8th March 1941.

<sup>5</sup> Inserted by D. C. Dept. notification No. 899-SM/41, dated the 29th November 1941.



and an order under this rule may prohibit the doing of anything regulated by the order except under, and in accordance with the conditions of, a licence granted by such authority as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

<sup>1</sup>[(3) If it appears to the Central Government <sup>2</sup>[or the Provincial Government] that in the interests of the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, <sup>3</sup>[that Government may] by order authorise any person (hereinafter referred to as an 'authorised controller') to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order; and so long as an order made under this sub-rule is in force with respect to any undertaking or part of an undertaking—

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government, <sup>2</sup>[or the Provincial Government] so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.]

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<sup>1</sup> Substituted by D. C. Department notification No. 709-OR/41, dated the 14th June 1941, for the original sub-rule (3) of rule 81.

<sup>2</sup> Inserted by D. C. Dept. Notification No. 899-SM/41, dated the 29th November 1941.

<sup>3</sup> Substituted by *ibid*, for the words "the Central Government may".

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Restriction  
on transfer  
of mines.

82. (1) No owner of a mine shall, without the previous sanction of the Central Government, transfer the mine or any interest therein to any person other than a British subject, or to a foreign-controlled company.

(2) If—

- (a) any person to whom a transfer of any mine has been made in contravention of this rule; or
- (b) any agent entrusted with the charge, control or management of a mine by or on behalf of any person to whom a transfer of a mine has been made in contravention of this rule, and having reason to believe that this rule has been so contravened,

works such mine or removes any produce or output thereof, he shall be deemed to have contravened this rule.

(3) In this rule—

- (a) “British subject” means a person who is a natural-born British subject within the meaning of the British Nationality and Status of Aliens Act, 1914, and includes a subject of an Indian State; 4 & 5 Geo. V, c. 17.
- (b) “foreign-controlled company” includes any company, firm or association or body of individuals whether incorporated or not—
  - (i) which is not established in and subject to the laws of some part of His Majesty’s dominions or of some British Protectorate, and has not its principal place of business therein; or
  - (ii) in which the majority of the directors or of the partners, or of the persons occupying the position of directors or partners, by whatever name called, are not British subjects; or
  - (iii) in which the majority of the voting power or the predominant interest is in the hands of persons who are not British subjects or of persons who exercise their voting power or hold their interest directly or indirectly on behalf of persons who are not British subjects; or

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “ and shall also be liable to fine ”.

- (iv) of which the control is by any other means whatever in the hands of persons who are not British subjects; or
  - (v) of which the managing body is a company, or the majority of the managing body are appointed by a company, of the nature described in any of the above sub-clauses;
  - (c) "mine" includes a quarry and any mineral deposit or land known or believed to contain a mineral deposit of commercial value;
  - (d) "owner" includes a lessee, any person having a transferable interest and any agent of an owner or a lessee or of any person having such interest.
- (4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

33. <sup>2</sup>[(1) If in the opinion of the Central Government or Provincial Government it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, that Government may by order in writing requisition any animal, product, article or thing, and may make such further orders as appear to that Government to be necessary or expedient in connection with the requisitioning.

Requisitioning of movable property.

(2) Where the Central Government or Provincial Government has requisitioned any animal, product, article or thing under sub-rule (1), that Government may use or deal with the animal, product, article or thing in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof a notice stating that the Central or Provincial Government, as the case may be, has acquired it in pursuance of this rule.

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<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rules (1), (2) and (3) as amended by D. C. Dept. notification No. 202-OR/39, dated the 17th January 1940.

Where such notice of acquisition is served on the owner of the animal, product, article or thing, then at the beginning of the day on which the notice is served the animal, product, article or thing shall vest in Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end.

(3) Whenever in pursuance of sub-rule (1) or sub-rule (2), the Central Government or Provincial Government requisitions or acquires any animal, product, article or thing, the owner thereof shall be paid such compensation as that Government may determine.]

<sup>1</sup>[(3a) The Central Government <sup>2</sup>[or the Provincial Government] may, with a view to the requisitioning of any animal, product, article or thing, or the determining of the <sup>3</sup>[compensation payable in respect] of any animal, product, article or thing which has been requisitioned, by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the animal, product, article or thing as may be so specified ;

(b) direct that the owner, or person in possession, of the animal, product, article or thing shall not, without the permission of <sup>4</sup>[that Government] dispose of it till the expiry of such period as may be specified in the order.]

(4) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>5</sup>[or with fine or with both].

84. (1) In this rule—

(a) "import" means bringing into British India by sea, land or air ;

(b) "export" means taking out of British India by sea, land or air.

Power to  
prohibit or  
restrict the  
import and  
export of  
goods.

<sup>1</sup> Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

<sup>2</sup> Inserted by D. C. Dept. Notification No. 900-SM/41, dated the 29th November 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 900-SM/41, dated the 11th October 1941, for the word "price".

<sup>4</sup> Substituted by D. C. Dept., Notification No. 900-SM/41, dated the 29th November 1941.

<sup>5</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine".

(2) The Central Government may by notified order prohibit or restrict the import or export of all goods or goods of any specified description, from or to any specified person or class of persons.

<sup>1</sup>[(3) The Central Government may by notified order make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made <sup>2</sup>[by or under the order,—

(i) the import, export, carriage coastwise or shipment as ships' stores of all goods or goods of any specified description ;

(ii) the shipment of fresh water on seagoing vessels] ;

<sup>3</sup>[(iii) the bringing into any port or place in British India of goods of any specified description intended to be taken out of British India without being removed from the ship or conveyance in which they are being carried.]

(4) Where, by an order made under sub-rule (2) or sub-rule (3), the import or export or the carriage coastwise or the shipment as ships' stores <sup>3</sup>[or the bringing into any port or place] of any goods <sup>4</sup>[or any shipment of fresh water], is prohibited, restricted or otherwise controlled, such goods <sup>4</sup>[or as the case may be such fresh water] shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly]. <sup>5</sup>[except that section 183 thereof shall have effect as if for the word 'shall' in that section the word 'may' were substituted].

VIII of 1878.

VIII of 1878.

<sup>6</sup>[(5) Notwithstanding anything contained in the Sea Customs Act, 1878, the Central Government may by order prohibit, restrict, or impose conditions on the clearance whether for home consumption or for shipment to a foreign port of any goods or class of goods imported into British India.]

<sup>1</sup> Substituted by D. C. Dept. notification No. 313-OR/39, dated the 5th January 1940, for the original sub-rule (3).

<sup>2</sup> Substituted by D. C. Dept. notification No. 592-OR/40, dated the 2nd November 1940, for the words " by or under the order, the import or export, or the carriage coastwise or the shipment as ships' stores, of all goods or goods of any specified description ".

<sup>3</sup> Inserted by D. C. Dept. notification No. 607-OR/40, dated the 30th November 1940.

<sup>4</sup> Inserted by D. C. Dept. notification No. 592-OR/40, dated the 2nd November 1940.

<sup>5</sup> Added by D. C. Dept. notification No. 665-OR/41, dated the 25th January 1941.

<sup>6</sup> Added by D. C. Dept. notification No. 972-OR/41, dated the 12th August 1941.

## Definitions.

<sup>1</sup>[84A. (1) In rule 84B, unless there is anything repugnant in the subject or context,—

(a) "Enemy" and "enemy subject have" the meanings respectively assigned to them by rules 97 and 103;

(b) "Design", "invention", "patent" and "patentee" have the meanings assigned to them by section 2 of the Indian Patents and Designs Act, 1911.

II of 1911.

(2) Where a patent has been granted to any person in respect of an invention communicated to him by some other person, that other person shall, for the purposes of rule 84B, be deemed to have an interest in the patent unless the contrary is proved.

Power of  
Central  
Government  
to grant  
licences under  
patents, or  
designs of  
enemies and  
enemy  
subjects.

84B. (1) Where—

(a) an enemy or an enemy subject is, or has at any time subsequent to the 2nd September 1939 been, whether alone or jointly with any other person, the proprietor of a patent or registered design, or entitled to any other interest in a patent or registered design (not being merely the interest of a licensee), and

(b) the Central Government is satisfied that it is expedient for securing the defence of British India or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community that the rights conferred by the patent should be exercised, or that the design should be applied, as the case may be, and that a person who is not an enemy or an enemy subject desires to exercise the said rights or apply the said design and is in a position so to do,

the Central Government may, on the application of that person, make an order granting to him a licence under the patent or for the application of the design, as the case may be, either for the whole of the residue of the term of the patent or the registration, or for such less period as the Central Government thinks fit.

(2) The power of the Central Government under this rule to make an order granting a licence shall include the power—

(a) to make an order granting an exclusive licence;

(b) to make an order granting a licence in relation to a patent or registered design, notwith-

<sup>1</sup> Rules 84A to 84C inserted by D. C. Dept. notification No 334-OR/40, dated the 17th February 1940.

- standing that a licence, whether exclusive or otherwise (not being an exclusive licence granted by virtue of the powers conferred by this rule), is in force in relation thereto; and
- (c) to make an order granting a licence on any terms that the Central Government may think expedient.

(3) Where, under the power conferred by this rule, the Central Government makes an order granting a licence in relation to a patent or registered design, in relation to which any other licence has been granted otherwise than by an order made under this rule, the Central Government may, in relation to that other licence, make such order—

- (a) revoking the licence;
- (b) revoking or varying any conditions subject to which the licence has effect; or
- (c) revoking or varying any of the provisions of a contract relating to the licence in so far as they relate thereto,
- as appears to it to be expedient having regard to the order made under sub-rule (1).

(4) An order granting a licence under this rule shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting the licence which the patentee or the proprietor of the registered design, as the case may be, and all other parties having any interest therein, had executed with full capacity so to do, and the order shall accordingly operate to take away from any such party any right in relation thereto, the exercise whereof would be inconsistent with the exercise of the licence in accordance with and subject to the terms on which it is granted.

(5) A licensee under a licence granted under this rule may institute proceedings for infringement in his own name as though he were the patentee or the proprietor of the registered design, as the case may be, so, however, that any person other than an enemy who, whether alone or jointly with any other person, is the patentee or the registered proprietor of the registered design, as the case may be, shall, unless the court in which the proceedings are taken thinks fit to direct otherwise, be made a party to the proceedings, either—

- (a) if he consents in writing thereto, as a plaintiff,  
or
- (b) if he does not so consent, as a defendant.

Where any person is made defendant to any proceedings by virtue of this sub-rule, he shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(6) An order granting a licence under this rule shall give directions as to the person to whom or the manner in which the licensee is to pay or deal with any royalties or other payments to be paid in respect of the licence.

(7) An order under this rule and a licence granted by such an order may be varied by a subsequent order made by the Central Government either :—

(a) where the licensee makes application to the Central Government for the variation thereof, or

(b) where the Central Government is of opinion that circumstances have arisen which make it just and equitable, or that it is expedient for the purposes specified in clause (b) of sub-rule (1), that it should be varied.

(8) An order under this rule and a licence granted by such an order may be revoked by a subsequent order made by the Central Government in any of the following cases, that is to say :—

(a) where the licensee makes application to the Central Government for the revocation thereof ;

(b) where it appears to the Central Government that it was obtained by any misrepresentation, whether intentional or not, or was made or granted without the Central Government's having full knowledge of the material facts ;

(c) where the licensee has failed to comply with any term on which the licence was granted or with a direction given under sub-rule (6), or has failed to exercise the licence in such a manner as to satisfy the reasonable requirements of the public in relation to the invention or registered design, as the case may be, or has charged unreasonable or excessive prices in respect of anything made or done in the exercise of the licence ; or

(d) where the Central Government is of opinion that circumstances have arisen which make it just and equitable, or that it is expedient for the purposes specified in clause (b) of sub-rule (1), that it should be revoked.



(9) Any licence granted under this rule may provide that the licensee may, subject to such conditions as may be imposed by the Central Government, adopt the name used by the patentee for describing or denoting the article or substance manufactured under the patent.

(10) The fee to be paid on an application under this rule for an order—

- (a) granting a licence,
- (b) revoking any licence,
- (c) revoking or varying any conditions subject to which any licence has effect, or
- (d) revoking or varying any of the provisions of a contract relating to any licence in so far as they relate thereto,

shall be rupees twenty in respect of each patent or registered design.

**84C.** No order made by the Central Government under rule 84B shall be held to be invalid by reason only that any decision made for the purposes of the order that a particular person is an enemy or an enemy subject is wrong.] Effect of wrong decision as to enemy character.

### PART XIII.

#### TRANSPORT.

**85. (1)** The Central Government may, with a view to facilitating any operations of His Majesty's forces or the movement of persons or supplies in connexion with such operations, by general or special order— Control of lines of communication for defence purposes.

- (a) require any railway administration to give special facilities for the transport of such forces, persons or supplies as aforesaid;
- (b) prohibit or restrict the use of any railway, port or aerodrome for such period as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[**85A.** The Central Government may, by general or special order, direct any Railway Administration— Control of carriage of goods by railways.

- (a) to give special facilities or preference for the transport of specified goods or specified classes of goods, or

<sup>1</sup> Substituted by D. C. Dept. notification No. 7C1-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

<sup>2</sup> Inserted by D. C. Dept. notification No. 290-OR/39, dated the 27th November 1939.

- (b) to refuse to carry specified goods or specified classes of goods, either entirely or between specified points;

and notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, a Railway Administration shall be bound to comply with any directions given to it under this rule.] IX of 1890.

Control of carriage of persons by railways.

<sup>2</sup>[85B. (1) The Central Government or the Provincial Government may by order—

- (a) require that any specified person or class of person, or persons proposing to travel to specified destinations, shall not be carried on a railway; and  
(b) prohibit the travelling by railway of any specified person or class of persons.

(2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, a railway administration shall be bound to comply with any order made under clause (a) of sub-rule (1). IX of 1890.

(3) If any person contravenes any order made under clause (b) of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].]

Control of traffic at ports and aerodromes.

86. (1) Without prejudice to any order made under sub-rule (1) of rule 60 or to the provisions of any other of these Rules, the Central Government may by order make provision—

- (a) for prohibiting, restricting or otherwise controlling the shipping or unshipping of persons, animals or goods or any specified class of persons, animals or goods at any port;  
(b) for prohibiting, restricting or otherwise controlling the embarking on or putting on board aircraft, or the disembarking or unloading from aircraft, of persons, animals or goods, or any specified class of persons, animals or goods, at any aerodrome,  
(c) generally for regulating, facilitating, or expediting any form of traffic at or in any port or aerodrome.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years <sup>2</sup>[or with fine or with both].

<sup>1</sup> Inserted by D. C. Dept. notification No. 378-OR/40, dated the 6th April 1940.

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

87. (1) The appropriate authority may, for the purpose of preventing or avoiding any undue congestion at any port or aerodrome or on any railway premises, cause to be removed therefrom, and kept at such places as that authority thinks proper, any goods which are not removed with reasonable despatch by or on behalf of the consignee.

Congestion of traffic at ports and aerodromes and on railways.

(2) The cost of the removal and custody of any goods under sub-rule (1) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purposes of such recovery shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.

(3) For the purposes of this rule, the expression "appropriate authority" means—

- (a) in respect of a port, the port authority of the port, or any person authorised by that authority in this behalf;
- (b) in respect of an aerodrome, the Director of Civil Aviation;
- (c) in respect of any railway premises, the officer authorised in this behalf by the railway administration concerned.

88. <sup>1</sup>[(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, or for maintaining supplies essential to the life of the community, the Central Government may by notified order declare that such restrictions imposed by or under any law for the time being in force as may be specified in the order shall not apply to the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty, or under instructions given on behalf of Government, or for purposes of defence, or in such other circumstances, as may be specified in the order.]

Handling and conveyance of ammunition, etc.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the loading, unloading, handling, storage, and conveyance of ammunition, explosives and inflammable substances to which the declaration applies.

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<sup>1</sup> Substituted by D. C. Dept. notification No. 863-OR/41, dated the 2nd August 1941, for sub-rule (1) which substituted the original sub-rule by D. C. Dept. notification No. 496-OR/40, dated the 20th June 1940.

<sup>2</sup> Sub-rule (2) of rule 88 omitted by D. C. Dept. notification No. 496-OR/40, dated the 19th April 1941.

Vehicles  
belonging to  
the Central  
Government.

<sup>1</sup>[88A. (1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence <sup>2</sup>[or which is engaged in any such work as may be specified by the Central Government].

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which, or the qualifications or conduct of the driver or person in charge to whom, the declaration applies.]

Control of  
\* [road and  
water  
transport.]

89. (1) In this rule—

(a) “vehicle” means any vehicle used, or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise, and includes a tramcar and a trolley-vehicle;

(b) “animal” means any animal used, or capable of being used, for the transport of persons or goods.

<sup>4</sup>[(c) ‘water transport’ means transport on inland waterways.]

(2) Without prejudice to any other provision of these Rules, the Central Government or the Provincial Government may by order—

(a) regulate, restrict or give directions with respect to, the use of any animal or vehicle for the purpose of road transport, or the sale or purchase of any animal or vehicle;

(b) require any person owning, or having in his possession or under his control, any animal or

<sup>1</sup> Inserted by D. C. Dept. notification No. 262-OR/39, dated the 28th September 1940.

<sup>2</sup> Inserted by D. C. Dept. notification No. 817-OR/41, dated the 7th June 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941, for the words “road transport”.

<sup>4</sup> Inserted, *ibid*.

vehicle to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such animal or vehicle and require such return to be verified in such manner as may be specified in the order;

- (c) require any person owning, or having in his possession or under his control, any animal or vehicle to give notice in such manner as may be specified in the order before disposing thereof or allowing it to pass out of his possession or control;
- (d) require any person owning, <sup>1</sup>[or employed in connexion with], or having in his possession or under his control, any animal or vehicle to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order; and such directions may require the person owning, <sup>1</sup>[or employed in connexion with], or having in his possession or under his control, any animal or vehicle to use such animal or vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;
- (e) prescribe the conditions subject to which, and the rates at which, any animal or vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;
- (f) provide for prohibiting or restricting the carriage of persons or goods of any class by road, and for prescribing the radius or distance within which persons or goods of any class may be carried by road;
- <sup>1</sup>[(ff) provide for prohibiting any person or class of persons from travelling by any vehicle or class of vehicles;]
- (g) provide for the giving of directions with respect to the carriage of persons or goods on any particular vehicle, or by any particular route, or to any particular clearing house or depôt;
- <sup>2</sup>[(gg) provide for prohibiting or restricting the carriage of persons or goods by any vehicle or

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<sup>1</sup> Inserted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941.

<sup>2</sup> Ins. D. C. Dept. Notfn. No. 1174-OR/41, dated the 23rd December 1941.

class of vehicles, either generally or between any particular places or on any particular route:]

- (h) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;
- (i) make such other provisions in relation to road transport as appear to that Government to be necessary or expedient for <sup>1</sup>[securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community].

<sup>2</sup>[(2A) The provisions of sub-rule (2) shall also apply in relation to water transport and vessels used or capable of being used for the purpose of water transport as they apply in relation to road transport and vehicles.]

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>3</sup>[or with fine or with both].

## PART XIV.

### FINANCIAL PROVISIONS.

90. <sup>4</sup>[(1) In this rule,—

- (i) the expression “coin” means coin which is legal tender under the Indian Coinage Act, 1906; III of 1906. and
- (ii) the expression “note” means a Reserve Bank of India note, a currency note of the Government of India, or a Government of India one rupee note issued under the Currency Ordinance, 1940.]

Ordinance  
IV of 1940.

(2) No person shall—

- (a) buy or sell, or offer to buy or sell, for an amount other than its face value, any coin or <sup>5</sup>[note]; or

<sup>1</sup> Substituted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941, for the words “ the regulation of traffic on highways ”.

<sup>2</sup> Inserted, *ibid*, for the words “ road transport ”.

<sup>3</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “ and shall also be liable to fine ”.

<sup>4</sup> Substituted by D. C. Dept. notification No. 494-OR/40, dated the 31st August 1940, for the original sub-rule (1) as amended by D. C. Dept. notification No. 494-OR/40, dated the 25th July 1940.

<sup>5</sup> Substituted, *ibid*, for the words “ Reserve Bank of India note or currency note of the Government of India ”.

(b) accept or offer to accept, in payment of a debt or otherwise, any <sup>1\*</sup> coin or note for an amount other than its face value;

<sup>2</sup>[or;

(c) refuse to accept, in payment of a debt or otherwise, any <sup>1\*</sup> coin or note];

<sup>3</sup>[or;

(d) acquire coin to an amount in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or branch of the Imperial Bank of India doing treasury business, shall be determined by the officer in charge of such Currency Office, Treasury, Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceeding.]

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>4</sup>[or with fine or with both].

<sup>5</sup>[90A. (1) The Central Government may, if it is of opinion that it is expedient so to do for the purpose of controlling the price of silver in British India, impose on any person authorised to import silver into British India such conditions as it thinks fit regarding the use or disposal of, or dealings in, silver imported in pursuance of such authorisation.

Control of use, etc., of imported silver.

(2) If any person contravenes any of the conditions imposed under sub-rule (1) he shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to five years <sup>4</sup>[or with fine or with both].

<sup>6</sup>[90B. (1) In this rule "money" means any coin <sup>7</sup>[other than a gold coin], or currency note which is legal tender in British India or elsewhere, and includes

Restriction on export of money [and gold].

<sup>1</sup> The word "such" omitted by D. C. Dept. notification No. 494-OR/40, dated the 31st August 1940.

<sup>2</sup> Inserted by D. C. Dept. notification No. 494-OR/40, dated the 10th June 1940.

<sup>3</sup> Inserted by D. C. Dept. notification No. 494-OR/40, dated the 25th June 1940.

<sup>4</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>5</sup> Inserted by Finance Dept. notification No. 7773-F., dated the 18th December 1939.

<sup>6</sup> Inserted by D. C. Dept. notification No. 591-OR/40, dated the 2nd November 1940.

<sup>7</sup> Inserted by D. C. Dept. notification No. 591-OR/40, dated the 1st March 1941.

bills of exchange; <sup>1</sup>[and "gold" means gold in the form of coin, whether legal tender or not, or bullion or ingot, whether refined or not].

(2) No person shall, except with the permission of the Reserve Bank of India or of a person authorised in this behalf by the said Bank, take or send out of British India to a place or country outside India and Burma money <sup>1</sup>[or gold] in excess of such amount as may be specified in this behalf by the said Bank.

<sup>2</sup>[(3) The restrictions imposed by sub-rule (2) on the export of money or gold shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly :

Provided that where in respect of any contravention of this rule the Customs-collector is of opinion that the penalties provided by the said Act are inadequate, he may make a complaint to a magistrate having jurisdiction; and the accused person shall, upon conviction, be punishable with imprisonment for a term which may extend to five years or with fine or with both, and the money or gold in respect of which the offence has been committed shall be confiscated to the Central Government and delivered to the Customs-collector for disposal.]

Restriction  
on purchases  
of foreign  
exchange.

91. (1) For the purposes of this rule and of rule 92, the expression "foreign exchange" means—

- (a) any currency other than currency which is legal tender in British India or Burma,
- (b) any bill or promissory note, payable otherwise than in rupees, and
- (c) any credit or balance otherwise than in rupees.

(2) No person resident in British India shall acquire any foreign exchange, or transfer rupees, gold coin or bullion, or securities with a view, directly or indirectly, to the acquisition of any foreign exchange.

(3) No person shall buy or borrow from, or sell or lend to, any person not authorised by the <sup>3</sup>[Reserve Bank of India] in this behalf, any foreign exchange, <sup>4</sup>[other than gold sovereigns].

<sup>1</sup> Inserted by D. C. Dept. notification No. 591-OR/40, dated the 1st March 1941.

<sup>2</sup> Substituted by D. C. Dept. notification No. 860-OR/41, dated the 14th June 1941, for the original sub-rules (3), (4), (5), (6) and (7) of rule 90 B, as amended by D. C. Dept. notifications Nos. 701-OR/41, and 591-OR/40, dated the 15th February and 1st March 1941, respectively.

<sup>3</sup> Substituted by Finance Department notification No. 123-S. R. B., dated the 4th September 1939, for the words "Central Government".

<sup>4</sup> Substituted by D. C. Dept. notification No. 634-OR/41, dated the 4th January 1941, for the words "gold coin or bullion".



(4) The provisions of this rule shall not restrict the doing of anything, within the scope of his authority, by a person authorised <sup>1</sup>[by the Reserve Bank of India] to deal in foreign exchange, and shall not restrict the doing of anything which is authorised <sup>1</sup>[by the Reserve Bank of India] to be necessary for the purposes—

- (a) of meeting the reasonable requirements of a trade or business carried on in India, or
- (b) of performing a contract made before the 3rd September 1939, or
- (c) of defraying reasonable travelling or other personal expenses.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, <sup>2</sup>[or with fine or with both].

92. <sup>3</sup>[(1) The Central Government may by notified order direct the owners of any such foreign exchange as is specified in the order to make a return to the Reserve Bank of India within such period, and giving such particulars as to the foreign exchange, as may be specified in the order.] Acquisition by the Central Government of foreign exchange.

<sup>4</sup>[(2)] On the issue of a notification by the Central Government in this behalf, every person who owns any such foreign exchange as may be specified in that notification shall offer it, or cause it to be offered, for sale to the Reserve Bank of India on behalf of the Central Government at such price as the Central Government may from time to time fix :

Provided that—

- (a) any person may be exempted from the operation of this rule by order of the Central Government, and
- (b) any person, who satisfies the Reserve Bank of India that he requires the foreign exchange in question for any of the purposes specified in sub-rule (4) of rule 91 shall be exempt from the operation of this rule.

<sup>1</sup> Substituted by Finance Department notification No. 123-S.R.B., dated the 4th September 1939, for the words "by or on behalf of the Central Government".

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>3</sup> Inserted by D. C. Dept. notfn. No. 510-OR/40, dated the 29th June 1940.

<sup>4</sup> Original sub-rule (1) re-numbered as sub-rule (2) by *ibid.*

<sup>1</sup>[(3)] If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>2</sup>[or with fine or with both].

Restrictions on  
Payments, etc.

<sup>3</sup>[92A. (1) For the purposes of this rule,—

- (i) "sterling area" means His Majesty's dominions, excluding Canada, Newfoundland and Hong-kong, the British protectorates and protected States, and such other territories as may be declared by the Reserve Bank of India to be included for the time being in the sterling area ;
- (ii) "security" includes shares, stock bonds, debentures, debenture stock, deposit receipts in respect of the deposit of securities, units or sub-units of a unit trust, coupons representing dividends or interest, and life or endowment assurance policies, but does not include bills of exchange and promissory notes ;
- (iii) "transfer" includes, in relation to any security, transfer by way of loan or security.

(2) Subject to any exemptions which may be granted by the Reserve Bank of India, no person resident in British India shall, except with the permission of the Reserve Bank of India,—

(a) draw, issue or negotiate any bill of exchange or promissory note, or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in India is created or transferred in favour of a person who is resident outside the sterling area ; or

(b) make any payment to, or by the order or on behalf of, any such person.

(3) Subject to any exemptions which may be granted by the Reserve Bank of India, no person resident in British India shall, except with the permission of the Reserve Bank of India,—

(a) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in India is created or transferred in

<sup>1</sup> Original sub-rule(2) re-numbered as sub-rule (3) by D. C. Department notification No. 510-OR/40, dated the 29th June 1940.

<sup>2</sup> Substituted by D. C. Dept. notfn. No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

<sup>3</sup> Rules 92A and 92B inserted by D. C. Dept. Notfn. No. 931-OR/41, dated the 12th July 1941.

favour of a person not resident outside the sterling area as consideration for, or in association with,—

(i) the receipt by any person of a payment, or the acquisition by any person of property, outside the sterling area, or

(ii) the creation or transfer, in favour of any person of a right (whether actual or contingent) to receive a payment, or acquire property, outside the sterling area; or

(b) make any payment to a person not resident outside the sterling area as such consideration or in such association as aforesaid.

(4) Where an individual has at any time since the third day of September 1939 resided in British India,

(a) until the Reserve Bank of India otherwise direct, he shall be treated for the purposes of this rule and of any order providing for exemptions from any of the provisions thereof, as having been, and as still being resident in British India and not resident outside the sterling area, and

(b) if any such direction is given, the Reserve Bank of India may, by the same or a subsequent direction, declare the territory in which, for those purposes, he is to be treated as being resident.

(5) In the case of any persons to whom sub-rule (4) does not apply, the Reserve Bank of India may give directions declaring the territories in which, for the purposes of this rule and of any order providing for exemptions from any of the provisions thereof, they are to be treated as being resident.

(6) Any direction given under sub-rule (4) or sub-rule (5) may be either general or special, and may be revoked or varied by a subsequent direction thereunder.

(7) If any person contravenes the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(8) Nothing in this rule shall restrict the doing by a person authorised by or on behalf of the Reserve Bank of India of anything within the scope of his authority.

Blocked  
accounts.

**92B.** (1) For the purpose of this rule,—

(i) the expression “blocked account” means an account blocked by an order of the Reserve Bank of India, or an account opened as a blocked account, at an office or branch in British India of a bank authorised by the Reserve Bank of India to open blocked accounts; and

(ii) the expression “the banker” means, in relation to any person, a banker who opens or keeps a blocked account in favour of that person.

(2) Where permission is granted by the Reserve Bank of India for the payment of any sum to any person resident outside the sterling area, but the permission is granted subject to the condition that the payment is made to a blocked account,—

(a) the manner in which the payment may be made shall be either—

(i) to the banker with a direction that it is to be credited to a blocked account of that person [which direction may, in the case of a payment by means of a cheque or warrant, be made by marking the cheque or warrant with the words ‘blocked account of’ (naming the person in question) or words to the same effect]; or

(ii) by a crossed cheque or warrant drawn in favour of that person, marked with the words, ‘payable only to blocked account of payee’ or words to the same effect;

(b) the sum collected shall be credited by the banker to a blocked account of that person; and

(c) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(3) Subject to any exemptions which may be granted by order of the Reserve Bank of India, any sum standing to the credit of a blocked account shall not be dealt with except and in accordance with permission granted by the Reserve Bank of India.]

Power to  
prohibit action  
on certain  
orders as to  
gold, etc.

<sup>1</sup>[**92C.** (1) If the Central Government is of opinion that it is necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, the Central Government may give general or special

<sup>1</sup> Inserted by D. C. Dept. notification No. 958-OR/41, dated the 28th July 1941.

directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out of any order given by or on behalf of—

(a) any State which may be specified in the directions, the Sovereign thereof, or any person resident therein, or

(b) any body corporate which is incorporated under the laws of that State or is under the control of that State or the Sovereign thereof or any person resident therein,

in so far as the order—

(i) requires the person to whom the order is given to make any payment or to part with any gold or securities, or

(ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

(2) If any person contravenes any direction given under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.]

93. (1) For the purposes of this rule and rule 94—

(i) the expression "securities" includes shares, stock, bonds, debentures and debenture stock but does not include bills of exchange, and

(ii) the expression "export", in relation to securities, includes the transfer thereof from a register in India to a register outside India or Burma.

Restriction on purchases and export of securities.

(2) No person shall, except with the permission of the <sup>1</sup>[Reserve Bank of India] or in the performance of a contract made before the 3rd September 1939 acquire any securities from a person not resident in India or Burma.

(3) No person shall, except with the permission of the <sup>1</sup>[Reserve Bank of India], export securities to any place outside India or Burma.

(4) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, <sup>2</sup>[or with fine or with both].

94. (1) For the purposes of this rule—

(i) "foreign security" means a security issued in any country other than India or Burma;

Acquisition by the Central Government of foreign securities.

<sup>1</sup> Substituted by Finance Department notification No. 123-S.R.B., dated the 4th September 1939, for the words "Central Government".

<sup>2</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated, the 15th February 1941, for the words "and shall also be liable to fine."

- (ii) "owner", in relation to any security, includes any person who has power to sell or transfer a security, or who has the custody thereof, or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any interest therein.

(2) The Central Government may, by notified order, direct the owners of any foreign securities specified in the <sup>1</sup>[order] to make a return to the Reserve Bank of India, within such period and giving such particulars as to those securities, as may be specified in the order.

(3) The Central Government may, if it is of the opinion that it is expedient so to do for the purpose of strengthening its financial position, <sup>2</sup>[by notified order transfer to itself any foreign securities], specified in the order at a price so specified being a price which, in the opinion of the Central Government, is not less than the market value of the securities on the date of the order.

(4) On the making of an order under sub-rule (3)—

(a) the securities to which the order relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;

(b) the owner of any of the securities to which the order relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary, or as the Central Government or the Reserve Bank of India, on behalf of the Central Government, may order to be done, for the purpose of securing that the securities and any documents of title relating thereto are delivered to the Central Government and, in the case of registered and inscribed securities, that the securities are registered or inscribed in the name of the Central Government.

<sup>1</sup> Substituted by D. C. Dept. notification No. 664-OR/41, dated the 25th January 1941, for the word "notification".

<sup>2</sup> Substituted for the words "by order transfer to itself any such foreign securities as aforesaid", *ibid.*

(5) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this rule, shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

(6) The provisions of this rule shall not apply to any security in respect of which the Central Government is satisfied that at all times since the 3rd September 1939, all persons interested in the security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge, but including any persons beneficially interested therein under the trust, were not resident in British India.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

95. Before making any payment or transfer of funds at the request of any person, a bank shall require any declarations and information which may be reasonably necessary to satisfy it that the payment or transfer will not involve, and is not with a view to, the contravention of any of the provisions of these Rules by that or any other person.

Banks to satisfy themselves that provisions are not contravened.

96. (1) Whenever in pursuance of any of rules 49, 66, 72, 76, 78, <sup>2</sup>[79 and 80], any property is removed, destroyed, rendered useless, <sup>3</sup>[used, requisitioned or acquired] by, or otherwise placed at the disposal or under the control of, the Central Government or a Provincial Government <sup>4</sup>[and the circumstances are not such as to render the provisions of <sup>5</sup>[section 19 of the Defence of India Act, 1939,] applicable], the owner of such property shall be paid such compensation for any loss he may have sustained as a result of such removal, destruction, rendering useless, use, requisitioning, <sup>6</sup>[acquisition] disposal or control, as may be fixed in accordance with the provisions of this rule.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. notfn. No. 734-OR/41, dated the 9th August 1941, for the figures, word and brackets "79, 80 and 81 (3)".

<sup>3</sup> Substituted by D. C. Dept. notfn. No. 900-SM/41, dated the 11th October 1941, for the words "used or requisitioned".

<sup>4</sup> Inserted by D. C. Dept. Notfn. No. 209-OR/39, dated the 6th October 1939.

<sup>5</sup> Substituted by D. C. Dept. Notfn. No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

<sup>6</sup> Inserted by D. C. Dept. Notfn. No. 900-SM/41, dated the 11th October 1941.

(2) <sup>1</sup>[In default of agreement between Government and the owner of the property, the Central Government] or the Provincial Government, as the case may be, shall by general or special order specify the authority or person through which or whom any claim for compensation under <sup>2</sup>[sub-rule (1)] shall be submitted and the authority or person by which or whom any such claim shall be adjudged and awarded.

(3) The Central Government or the Provincial Government, as the case may be, may further by general or special order prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to it to be necessary or expedient.

## PART XV.

### CONTROL OF TRADING WITH ENEMY.

Definition.

97. For the purposes of this Part the expression "enemy" means—

- (a) any State, or Sovereign of a State, at war with His Majesty, or
- (b) any individual resident in enemy territory, or
- (c) any body of persons constituted or incorporated <sup>3</sup>[in enemy territory, or in, or under the laws of, a State at war with His Majesty], or
- (d) any other person or body of persons declared by the Central Government to be an enemy, or
- (e) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this rule, is an enemy.

<sup>4</sup>[or

- (f) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or incorporate) carrying on that business.]

<sup>1</sup> Substituted by D. C. Dept. notification No. 209-OR/39, dated the 4th November 1939, for the words "The Central Government".

<sup>2</sup> Substituted for the words "the preceding sub-rules", *ibid.*

<sup>3</sup> Substituted by D. C. Dept. notfn. No. 408-OR/40, dated the 23rd April 1940, for the words "in, or under the laws of, a State at war with His Majesty".

<sup>4</sup> Inserted by D. C. Dept. notfn. No. 795-OR/41, dated the 31st May 1941.



98. (1) For the purposes of this Part a person shall be deemed to have traded with the enemy if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

Prohibition of trading with the enemy.

- (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or
- (ii) paid or transmitted any money, negotiable instrument or security for money, to or for the benefit of an enemy or to a place in enemy territory, or
- (iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of the Ordinance :

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

- (a) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the Central Government, or
- (b) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the Ordinance.

(2) Any reference in this rule to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(3) Any person who trades with the enemy shall be punishable with imprisonment for a term which may extend to seven years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[(4) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.]

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

<sup>2</sup> Inserted by D. C. Dept. notfn. No. 795-OR/41, dated the 3rd May 1941.

Control of  
rights, etc., in  
respect of  
trading with  
the enemy.

99. No transaction which constitutes an offence of trading with the enemy shall, except to such extent as the Central Government may by general or special order regulate, be effective so as to confer any rights or remedies on the parties to such transaction or on any persons claiming under them.

Power to  
appoint Con-  
trollers, etc.,  
of Enemy  
Trading.

<sup>1</sup>[100. The Central Government may, either generally or for any particular area, appoint one or more Controllers, Deputy Controllers and Inspectors, of Enemy Trading, for securing compliance with the provisions of this Part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

Powers of  
Controllers,  
etc., of Enemy  
Trading.

100A. (1) If a Controller, or Deputy Controller, of Enemy Trading has reasonable cause to believe that an offence punishable under rule 98 has been, or is likely to be, committed, he may—

(a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,

(b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller or Deputy Controller, as the case may be, may demand, and for the purposes aforesaid, may—

(i) enter and search, or authorise a police officer not below the rank of Sub-Inspector to enter and search, any premises used for the purposes of the said business,

(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing, and

(iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

(2) A Controller, or Deputy Controller, of Enemy Trading may by order in writing delegate his powers in any particular case to an Inspector of Enemy Trading.]

Supervision of  
suspected  
business.

<sup>2</sup>[101. If in order to secure compliance with the provisions of this Part the Central Government considers it

<sup>1</sup> Rules 100 and 100A were substituted by D. C. Dept. notification No. 486-OR/40, dated the 1st June 1940, for the original rule 100

<sup>2</sup> Rules 101 and 101A were substituted by D. C. Dept. notfn. No. 486-OR/40, dated the 1st June 1940, for rule 101 which had been substituted by D. C. Dept. notification No. 239-OR/39, dated the 29th September 1939 for the original rule 101.

expedient so to do, it may by order direct that the business of any person (hereinafter referred to as the suspected person) shall be subject to supervision; and, thereupon a Controller of Enemy Trading and any person authorised by a Controller in this behalf shall have in relation to that business—

- (a) all the powers mentioned in rule 100A.
- (b) the power to prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person, and
- (c) such other powers as may from time to time be conferred on him by the Central Government.

101A. If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Trading, or any person authorised by a Controller under rule 101, that person shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

Penalty for failure to comply with orders of Controllers, etc.

102. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates, or defaces any book or other document, that person shall be punishable with imprisonment for a term which may extend to five years <sup>1</sup>[or with fine or with both].

Penalty for concealment, destruction, etc., of books or documents.

## PART XVI.

### CONTROL OF ENEMY FIRMS.

103. In this Part—

Deductions.

(1) “enemy subject” means—

“Enemy subject.”

(a) any individual who possesses the nationality of a State at war with His Majesty, or having possessed such nationality at any time has lost it without acquiring another nationality, or

(b) any body of persons constituted or incorporated in or under the laws of such State;

(2) “enemy firm” means—

“Enemy firm.”

(a) any enemy subject who is, or at any time subsequent to the 2nd September 1939, was carrying on any business in British India, or

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

(b) any firm, whether constituted in British India or not, of which any member or officer is, or at any time subsequent to the 2nd September 1939, was an enemy subject, and which is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India, or

(c) any company, whether incorporated in British India or not, of which any officer is, or at any time subsequent to the 2nd September 1939, was an enemy subject, and which is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India, or

(d) any person or body of persons, whether incorporated, or not, who or which in the opinion of the Central Government is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India—

(i) under the control whether direct or indirect of any enemy subject, or

(ii) wholly or mainly for the benefit of enemy subjects generally or any class of enemy subjects or any individual enemy subject :

<sup>1</sup>[Provided that in relation to subjects of a State which became, or becomes, a State at war with His Majesty later than the 3rd September 1939, all references to the 2nd September 1939 in the above definition shall be read as referring to the date immediately preceding the date on which the said State became, or becomes, a State at war with His Majesty ;]

“Enemy  
currency.”

(3) “enemy currency” means any such note or coins as circulate as currency in any enemy territory or any such other notes or coins as are for the time being declared by an order of the Central Government to be enemy currency ;

“Enemy  
Property.”

(4) “enemy property” means any property for the time being belonging to or held or managed on behalf of an <sup>2</sup>[enemy as defined in rule 97, an enemy subject] or an enemy firm ;

<sup>1</sup> Inserted by D. C. Dept. notification No. 498-OR/40, dated the 27th July 1940.

<sup>2</sup> Substituted by D. C. Dept. notfn. No. 485-OR/40, dated the 1st June 1940, for the words “ enemy subject ”.

- (5) "securities" includes shares, stock, bonds, debentures and debenture stock, but does not include bills of exchange. "Securities."

104. (1) No person shall, directly or indirectly—

(a) advance money to, or enter into any contract with, an enemy firm; or

(b) pay any sum of money to, or for the benefit of, an enemy firm; or

(c) give any security for the payment of any debt or any other sum of money for the benefit of an enemy firm; or

(d) act on behalf of an enemy firm in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument; or

(e) accept, pay, or otherwise deal with, any negotiable instrument which is held by, or on behalf of, an enemy firm; or

(f) enter into any new transaction, or complete any transaction already entered into, with an enemy firm in respect of any stocks, shares or other securities; or

(g) make or enter into any new policy or contract of insurance (including re-insurance) or accept or give effect to any insurance of any risk arising under a policy or contract of insurance (including re-insurance) made or entered into with, or for the benefit of, an enemy firm; or

(h) supply to, or for the use or benefit of, or obtain from, an enemy firm, any goods, wares or merchandise, or trade in or carry any goods, wares or merchandise destined for an enemy firm, or

1 \* \* \*

<sup>2</sup>[(i)] enter into any other commercial or financial obligation or contract with, or for the benefit of, an enemy firm.

(2) In any proceeding arising out of a contravention of <sup>3</sup>[clause (e)] of sub-rule (1) it shall be a defence for the accused to prove that at the date of the contravention he had no reasonable ground for believing that the negotiable instrument was held by or on behalf of an enemy firm.

<sup>1</sup> Clause (i) omitted by D. C. Dept. notification No. 566-OR/40, dated the 14th September 1940.

<sup>2</sup> Clause (j) re-lettered as clause (i), *ibid.*

<sup>3</sup> Substituted, for the word, letter and brackets "clause (f)", *ibid.*

Prohibition  
of trade with  
enemy firms  
and purchase  
of enemy  
currency.

<sup>1</sup>[(2A) No person shall, directly or indirectly, purchase enemy currency.]

(3) Nothing in this rule shall be deemed to prohibit anything expressly permitted by or under the authority of His Majesty or the Central Government.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years <sup>2</sup>[or with fine or with both].

Power to  
appoint  
Controllers,  
etc., of enemy  
firms.

105. The Central Government may, either generally or for any particular area, appoint one or more <sup>3</sup>[Controllers], Deputy Controllers and Inspectors, of Enemy Firms, for securing compliance with the provisions of this part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

Powers of  
Controllers,  
etc., of enemy  
firms.

106. If a Controller, Deputy Controller or Inspector, of Enemy Firms has reasonable cause to believe that an offence punishable under rule 104 has been, or is likely to be, committed, he may—

- (a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,
- (b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller, Deputy Controller or Inspector, as the case may be, may demand,

and for the purposes aforesaid, may

- (i) enter on any premises used for the purposes of the business,
- (ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,
- (iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

<sup>1</sup> Inserted by D. C. Dept. notification No. 566-OR/40, dated the 14th September 1940.

<sup>2</sup> Substituted by D. C. Dept. Notfn. No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

<sup>3</sup> Substituted by D. C. Dept. Notfn. No. 361-OR/40, dated the 4th March 1940, for the word " Controller ".

<sup>1</sup>[107. If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector of Enemy Firms may for the purposes of such supervision exercise all or any of the powers mentioned in rule 106, and such other powers as may from time to time be conferred on him by the Central Government.

Supervision  
of suspected  
business.

107A. (1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision, he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector of Enemy Firms may—

Supervision  
of firms  
suspected to  
be enemy  
firm.

- (a) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule 106;
- (b) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;
- (c) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;
- (d) himself carry on the business of the firm, if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose.]

108. If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Firms, that person shall be punishable with imprisonment for a term which may extend to six months<sup>2</sup>[or with fine or with both].

Penalty for  
failure to  
comply with  
orders of  
Controller, etc.

<sup>1</sup> Rules 107 and 107-A, substituted by D. C. Dept. notification No. 541-OR/40, dated the 10th August 1940 for the original rule 107.

<sup>2</sup> Substituted by D. C. Dept. Notfn. No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

Penalty for concealment, destruction, etc., of books or documents.

109. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates or defaces any book or other document which a Controller, Deputy Controller, or Inspector, of Enemy Firms is empowered under rule 106 or rule 107 to inspect, that person shall be punishable with imprisonment for a term which may extend to five years .<sup>1</sup>[or with fine or with both].

Contracts with enemy firms.

110. Where it appears to the Central Government that a contract <sup>2</sup>[entered into, whether before or after the commencement of the Ordinance, with a person or body of persons who at the time of such contract was, or subsequent to such contract became, an enemy as defined in rule 97 or an enemy subject or an enemy firm], is injurious to the public interest, or was entered into with a view to evade the provisions of this Part, the Central Government may by order cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

Transfer of property to or by enemy firms.

111. (1) Where it appears to the Central Government that a transfer of property moveable or immovable <sup>3</sup>[made, whether before or after the commencement of the Ordinance, to or by a person or body of persons who at the time of such transfer was, or subsequent to such transfer became, an enemy as defined in rule 97 or an enemy subject or an enemy firm], is injurious or an enemy subject or an enemy firm], is injurious to the public interest or was made with a view to evade by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part, or may impose such conditions on the transferee as it thinks fit.

(2) On the making of an order under sub-rule (1) declaring any transfer, subsequent transfer or sub-transfer of any property to be void, that property shall, with effect from the date of the order, be deemed to be re-vested in the original transferor.

Transfer and allotment of securities to or by enemy firms.

112. (1) If any securities are transferred by, or allotted or transferred to, an enemy firm, then, except with the sanction of the Central Government, the transferee

<sup>1</sup> Substituted by D. C. Dept., notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Substituted by D. C. Dept. Notfn. No. 765-OR/41, dated the 17th May 1941, for the words "entered into with an enemy firm, whether before or after the commencement of the Ordinance".

<sup>3</sup> Substituted by D. C. Dept. Notfn. No. 765-OR/41, dated the 5th April 1941, for the words "made to, or by, an enemy firm, whether before or after the commencement of the Ordinance".



or allottee shall not by virtue of the transfer or allotment have any rights or remedies in respect of the securities; and no body corporate by which the securities were issued, or are managed, shall take cognisance of, or otherwise act upon, any such transfer except under the written authority of the Central Government.

(2) No share warrants, stock certificates or bonds shall be issued, payable to bearer, in respect of securities registered or inscribed in the name of an enemy firm or of a person acting on behalf, or for the benefit, of an enemy firm.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

113. (1) No transfer of a negotiable instrument or an actionable claim by or on behalf of an enemy firm nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

Transfer of negotiable instruments and actionable claims by enemy firms.

(2) If any person by payment or otherwise purports to discharge any liability from which he is relieved by sub-rule (1), knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both]:

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being a court in India or in a State at war with His Majesty, and would be enforced against him by such an order.

(3) Where a claim in respect of a negotiable instrument or an actionable claim is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under sub-rule (2), that person may pay into a competent civil court any sum which but for the provisions of sub-rule (1) would be due in respect of the claim and thereupon the payment shall for all purposes be a good discharge to that person.

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR-41, dated the 15th February 1941, for the words "and shall also be liable to fine".

Power to  
carry on  
business of  
enemy firm.

<sup>1</sup>[113A. (1) Where it appears to the Central Government that the control or management of an enemy firm has been, or is likely to be, so affected by the state of war as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on, the Central Government may by order authorise a person to carry on the trade or business in such manner and to such extent as may be prescribed.

(2) While a person authorised under sub-rule (1) is carrying on the trade or business of an enemy firm,—

- (a) such person shall be deemed to be acting as the agent of the firm <sup>2</sup>[and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm] <sup>3</sup>[ , provided that any person having any commercial, financial or other intercourse or dealings with such person while so acting, shall not, merely by reason of such intercourse or dealings, be deemed to have contravened the provisions of rule 98 or rule 104.]
- (b) such person shall be entitled to the management of the affairs of the firm to the exclusion of any other person acting or purporting to act on behalf of the firm, and for the purposes of such management shall be entitled to employ such staff or other agency as he thinks fit;
- (c) such person shall not, in respect of such matters relating to the said management as may be specified by order of the Central Government, be bound by any obligation or limitation imposed on him as agent of the firm by or under any law, instrument or contract;
- (d) such person shall be entitled to retain out of the assets of the firm all costs, charges and expenses of, or incidental to, the said management, and such remuneration as may be prescribed; and
- (e) the firm shall not have the right to control the carrying on of the trade or business.

<sup>1</sup> Inserted by D. C. Dept. notification No. 288-OR/39, dated the 25th November 1939.

<sup>2</sup> Inserted by D. C. Dept. Notfn. No. 569-OR/40, dated the 21st September 1940.

<sup>3</sup> Inserted by D. C. Dept. Notfn. No. 288-OR/39, dated the 5th January 1940.

(3) No person authorised under sub-rule (1) to carry on the trade or business of an enemy firm shall be personally liable for acts done by him in good faith in the course of management of such trade or business.]

<sup>1</sup>[(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporate or unincorporate, which is an enemy as defined in rule 97 and which is or at any time subsequent to the 2nd September 1939, was, carrying on business in British India, as they apply in relation to an enemy firm.]

114. (1) With a view to preventing the payment of moneys to an enemy firm <sup>2</sup>\* \* \*, and preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Central Government may appoint <sup>3</sup>[a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed] and may by order—

Collection of debts of enemy firms and custody of property.

- (a) require the payment to the prescribed custodian of money which would but for these rules be payable to or for the benefit of an enemy firm \* \* \* ; or which would but for the provisions of rule 110 and rule 113 be payable to any other person ;
- (b) vest, or provide for and regulate the vesting, in the prescribed custodian such enemy property as may be prescribed ;
- (c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian ;
- (d) confer and impose on the "[custodian] and on any other person such rights, powers, duties and liabilities as may be prescribed as respects—
- (i) property which has been, or is required to be, vested in a custodian by or under the order,

<sup>1</sup> Inserted by D. C. Dept. notification No. 569-OR/40, dated the 21st September 1940.

<sup>2</sup> The words "or a person who is an enemy as defined in rule 97" which were inserted by D. C. Dept., notification No. 485-OR-40, dated the 1st June 1940 were omitted by D. C. Dept. notification No. 845-OR-41, dated the 7th June 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 241-OR/39, dated the 3rd October 1939 for the words "one or more Custodians of Enemy Property".

<sup>4</sup> Substituted by *ibid* the 3rd October 1939 for the word "Custodians".

- (ii) property of which the right of transfer has been, or is required to be, so vested,
- (iii) any other enemy property which has not been, and is not required to be, so vested,
- (iv) money which has been, or is by the order required to be, paid to a custodian;
- (e) require the payment of the prescribed fees to the <sup>1</sup>[custodian] in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;
- (f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order;

and any such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(2) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under sub-rule (1) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under sub-rule (1)—

- (a) any money is paid to a custodian, or
- (b) any property, or the right to transfer any property, is vested in a custodian, or
- (c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule (1) applies,

neither the payment, vesting nor order of the custodian nor any proceedings in consequence thereof, shall be invalidated or affected by reason only that at a material time—

- (i) some person who was or might have been interested in the money or property, and who was an enemy firm, had died or had ceased to be an enemy firm. or

<sup>1</sup> Substituted by D. C. Dept. notification No. 241-OR/40, dated the 3rd October 1939, for the word "Custodians."

(ii) some person who was so interested, and who was believed by the custodian to be an enemy firm, was not an enemy firm.

<sup>1</sup>[3A] In sub-rules (1), (2) and (3), the expression "custodian" includes a Deputy Custodian of Enemy Property and an Assistant Custodian of Enemy Property]  
<sup>2</sup>[and every reference to an enemy firm shall be construed as including a reference to a person who is an enemy as defined in rule 97].

<sup>3</sup>[(3B) Where in pursuance of an order made under sub-rule (1) the assets of a company are vested in the custodian, no proceedings, civil or criminal, shall be instituted under the Indian Companies Act, 1913, against the company or any director, manager or other officer thereof except with the consent in writing of the custodian.]

(4) If any person pays any debt or deals with any property to which any order under sub-rule (1) applies otherwise than in accordance with the provisions of the order, he shall be punishable with imprisonment for a term which may extend to six months <sup>4</sup>[or with fine or with both]; and the payment or dealing shall be void.

(5) If any person without reasonable cause fails to produce or furnish in accordance with the requirements of an order under sub-rule (1) any document or information which he is required under the order to produce or furnish, he shall be punishable with imprisonment for a term which may extend to six months <sup>4</sup>[or with fine or with both].

<sup>5</sup>[114A. (1) In this rule "enemy" means any person or body of persons who is for the time being an enemy as defined in rule 97.

Power to  
control and  
wind up  
certain  
business.

(2) Where any business is being carried on in British India by, or on behalf of or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Central Government to be

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<sup>1</sup> Inserted by D. C. Dept. notification No. 241-OR/39, dated the 3rd October 1939.

<sup>2</sup> Inserted by D. C. Dept. Notfn. No. 845-OR/41, dated the 7th June 1941.

<sup>3</sup> Inserted by D. C. Dept. Notfn. No. 838-OR/41, dated the 31st May 1941.

<sup>4</sup> Substituted by D. C. Dept. Notfn. No. 701-OR/40, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>5</sup> Substituted by D. C. Dept. Notfn. No. 797-OR/41, dated the 3rd May 1941, for the original rule 114-A, which was inserted by D. C. Dept. notification No. 406-OR-40, dated the 11th April 1940.

associated with enemies, the Central Government may, if it thinks it expedient so to do, make—

- (a) an order (hereafter in this rule referred to as a "restriction order") prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order, or
- (b) an order (hereafter in this rule referred to as a "winding up order") requiring the business to be wound up;

and the making of a restriction order as respects any business shall not prejudice the power of the Central Government, if it thinks it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(3) Where an order under sub-rule (2) is made as respects any business, the Central Government may, by that or a subsequent order, appoint a Supervisor to control and supervise the carrying out of the order, and, in the case of a winding up order, to conduct the winding up of the business and may confer on the Supervisor any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company (including power in the name of the person carrying on the business or in his own name, and by deed or otherwise, to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the Supervisor such other powers as the Central Government thinks necessary or convenient for the purpose of giving full effect to the order.

(4) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be subject to the same rules as to preferential payments either applicable to the distribution of the assets of a company which is being wound up, and the said assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who are not enemies in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Central Government may direct:

Provided that the provisions of this sub-rule shall, in their application to the distribution of any money or other property which would, in accordance with those provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of rule 114 and of any order made under that rule.

(5) Where any business for which a Supervisor has been appointed under this rule has assets in enemy territory, the Supervisor shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

- (a) of the value of those assets;
- (b) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;
- (c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under sub-rule (2) is in force as respects the business

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this rule, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business.

(6) Where an estimate has been prepared under sub-rule (5), a certificate of the supervisor as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business :

Provided that nothing in this sub-rule shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(7) The Central Government may, on an application made by a Supervisor appointed under this rule, after considering the application and any objections which may be made by any person who appears to the Central Government to be interested, by order grant the Supervisor a release, and an order of the Central Government under this sub-rule shall discharge the Supervisor from

all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as Supervisor, but any such order may be revoked by the Central Government on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(8) Where an order under sub-rule (2) has been made as respects a business carried on by any individuals or by a company, no insolvency petition against the individuals, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken, without the consent of the Central Government, but where the business is carried on by a company, the Central Government may present a petition for the winding up of the company by the court, and the making of an order under sub-rule (2) shall be a ground on which the company may be wound up by the court.

(9) Where an order is made under this rule appointing a Supervisor, for any business, any remuneration of, and any costs, charges and expenses incurred by, the Supervisor, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the Central Government, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon.

(10) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with imprisonment for a term which may extend to 5 years or with fine or both.]

## PART XVII.

### MISCELLANEOUS PROVISIONS.

*Derelict  
articles.*

115. (1) If any person finds any article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, prior to its loss or abandonment, it was used or intended to be used for the purposes of any armed force or was in the possession of a person who was serving with an armed force, the person so finding the article—

(a) shall report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's forces on duty in the neighbourhood or to the officer in charge of a police station in the



neighbourhood; or if the article is found outside British India, shall take such steps as are practicable to secure that the nature and situation thereof are reported, or, if the article is a document, that it is delivered as soon as may be, to some person in His Majesty's service; and

- (b) shall not, save as aforesaid, remove or tamper with the article except with the permission of the Central Government.

(2) The Central Government may by notified order direct that the obligations and restrictions imposed by sub-rule (1) shall not apply in relation to any such description of articles as may be specified therein or as may be specified by a prescribed authority or person.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

116. (1) Without prejudice to any special provisions contained in these Rules, the Central Government or the Provincial Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or an article which that Government considers it necessary or expedient in the interests of the defence of British India, the efficient prosecution of the war or the public safety or interest to obtain or examine.

Power to  
obtain  
information.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

117. If any person—

False  
statements.

(i) when required by or under any of these Rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any of these Rules to furnish,

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Power to require Production of books, etc.

<sup>2</sup>[117A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[or with fine or with both].

Prohibition against disclosing information.

118. (1) No person who obtains any information by virtue of these Rules shall, otherwise than in connexion with the execution of the provisions of these Rules or of any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to two years <sup>1</sup>[or with fine or with both].

Publication, affixation and defacement of notices.

119. (1) Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order in pursuance of any of these Rules <sup>3</sup>[shall, in the case of an order of a general nature or affecting a class of persons, publish], notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns <sup>4</sup>[and in the case of an order affecting an individual person serve or cause the order to be served on that person in such manner as such authority, officer or person thinks fit].

(2) Any police officer and any other person acting on behalf of Government may affix to, or cause to be displayed on, any premises, vehicle or vessel, any notice

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Rule 117 A. inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

<sup>3</sup> Substituted by D. C. Dept. notification No. 677-OR/41, dated the 1st February 1941, for the words "shall publish".

<sup>4</sup> Inserted by *ibid.*

issued by lawful authority for any purpose connected with the administration of these Rules and may for the purpose of exercising the power conferred by this rule enter at any time upon any vehicle or land or board any vessel.

(3) If any person, without lawful authority, removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these Rules, he shall be punishable with imprisonment for a term which may extend to six months <sup>1</sup>[or with fine or with both].

120. If any person voluntarily obstructs, or offers any resistance to, or impedes or otherwise interferes with,— Obstructing  
lawful  
authorities.

(a) any member of His Majesty's forces acting in the course of his duty as such, or

(b) any authority, officer or person exercising any powers, or performing any duties, conferred or imposed upon it or him by or in pursuance of these Rules, or otherwise discharging any lawful functions in connexion with the defence of British India and the efficient prosecution of the war, or

(c) any person who is carrying out the orders of any such authority, officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of these Rules,

he shall be punishable with imprisonment for a term which may extend to two years <sup>1</sup>[or with fine or with both].

<sup>2</sup>[120A. (1) If the authority competent to make appointments to an office in connection with the affairs of the Central Government considers it necessary or expedient to make provision under this rule for an automatic succession to that office, that authority may maintain at such place or places as it thinks fit a list (hereinafter referred to as "the succession list") of persons authorised to assume the duties of the office under this rule. Succession to  
offices Under  
Central  
Government

(2) If the person holding an office in respect of which a succession list is maintained under sub-rule (1) dies

<sup>1</sup> Substituted by D. C. Dept. notification No. 701-OR 41, dated the 15th February 1941, for the words "and shall also be liable to fine".

<sup>2</sup> Ins., D. C. Dept. Notfn. No. 882-SM/41, dated the 23rd December 1941.

or is for any reason unable to perform the duties of the office, the first of the persons named in the succession list who survives and is available shall assume the duties of the office and shall thereupon be deemed, for the purpose of any law for the time being in force including this rule, to have been duly appointed to the office.

Emergency appointments to offices under Provincial Government.

**120B.** (1) In this rule "District Magistrate" includes an officer exercising the powers, and performing the duties, of the District Magistrate by virtue of section 11 of the Code of Criminal Procedure, 1898.

(2) If in any district an officer serving in connection with the affairs of the Province dies or is for any reason unable to perform the duties of his office and the District Magistrate is satisfied that a reference to the authority competent to make appointments to the office is by reason of military operations or other special circumstances affecting the Province likely to cause undue delay, the District Magistrate may appoint to the office any person who is already in the service of the Crown and such person shall be deemed, for the purpose of any law for the time being in force including this rule, to have been duly appointed to the office :

Provided that nothing in this rule shall apply to any office in respect of appointments to which special provision is made by or under any section of the Government of India Act, 1935, other than section 241.]

## PART XVIII.

### SUPPLEMENTARY AND PROCEDURAL.

Attempts, etc., to contravene the Rules.

**121.** Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of these Rules shall be deemed to have contravened that provision.

Offences by corporations.

**122.** If the person contravening any of the provisions of these Rules, is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Assisting offenders.

**123.** Any person who, knowing or having reasonable cause to believe that any other person has contravened any of the provisions of these Rules, gives that other person any assistance with intent thereby to prevent,

hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

124. (1) If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of these Rules or an offence prejudicial to the efficient prosecution of war, to the defence of British India or to the public safety, has been, is being or is about to be committed in any place, he may by warrant authorise any police officer above the rank of constable—

Power to issue search-warrants.

(a) to enter and search the place in the manner specified in the warrant, and

(b) to seize anything found in or on such place which the police officer has reason to believe <sup>1</sup>[has been, is being or is intended to be used], for the purposes of, or in connection with, any such contravention or offence as aforesaid; and

V of 1898.

the provisions of the Code of Criminal Procedure, 1898, shall, so far as they may be applicable, apply to any such search or seizure, as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

(2) Any magistrate before whom anything seized under sub-rule (1) is conveyed shall forthwith report the fact of such seizure to the Provincial Government and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall be disposed of in such manner as the Provincial Government may direct.

<sup>2</sup>[(4) In this rule, and in rule 126, "place" includes a house, building, tent, vehicle and aircraft.]

125. (1) Any officer of His Majesty's forces engaged in the defence of the coast or any person authorised in this behalf by such officer may stop and search any vessel found within tidal waters or the territorial waters adjacent to British India and seize anything in such vessel which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the defence of British India or to the efficient prosecution of war.

Power to search vessels in tidal or territorial waters.

<sup>1</sup> Substituted by D. C. Dept. notification No. 753-O.R./41, dated the 10th May 1941, for the words "is being used or is intended to be used".

<sup>2</sup> Inserted by *ibid.*

(2) Any officer or person who makes or causes to be made any seizure in pursuance of the provisions of sub-rule (1) shall forthwith report the fact of such seizure to the Central Government and, pending the receipt of the orders of the Central Government, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized in pursuance of the provisions of sub-rule (1) shall be disposed of in such manner as the Central Government may direct.

(4) Nothing in this rule shall apply to any visit, search, detention or capture made in the exercise of any right under international law, or affect any law relating to Prize or Prize Courts.

Further  
powers of  
search.

126. (1) The Central Government or the Provincial Government may by general or special order empower any person to—

(a) stop and search any vessel found in inland waterways <sup>1</sup>[or any vehicle as defined in clause (a) of sub-rule (1) of rule 89];

(b) search any place, and seize anything, which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial <sup>1</sup>[to the efficient prosecution of war], to the defence of British India or to the public safety or interest.

(2) Any person empowered under sub-rule (1) shall forthwith report to the Provincial Government in detail any seizure made by him and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (1) shall be disposed of in such manner as the Provincial Government may direct.

(4) A person empowered by the Central Government or the Provincial Government under sub-rule (1) may authorise any other person to exercise like powers to his own in the whole or any part of the area in respect of which that Government has empowered him.

Entry and  
inspection of  
land.

127. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Central Government <sup>2</sup>[or the Provincial Government], to act under this rule,—

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules;

<sup>1</sup> Inserted by D. C. Dept. notification No. 753-O.R./41, dated the 10th May 1941.

<sup>2</sup> Inserted by D. C. Dept. notification No. 902-SM-41, dated the 5th July 1941.

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to that land;

(c) may, for any purpose connected with the defence of British India, the public safety, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

128. Any police officer may arrest without warrant any person who is reasonably suspected of having committed, of committing or of being about to commit a contravention of any of rules <sup>1</sup>[12, 17, 27, 49, 51, 51A, 51B, 52, 53, 57, 76A, 78, 79, 80, 89, 118, 119 and 120].

General power to arrest without warrant.

129. (1) Any police officer not below the rank of head constable, or any other officer of Government empowered in this behalf by general or special order of the Central Government, <sup>2</sup>[or of the Provincial Government] may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act,—

Further powers of arrest and detention.

(a) with intent to assist any State at war with His Majesty, or in a manner prejudicial to the public safety or to the efficient prosecution of war;

(b) in any area in which the Provincial Government has, by notification, declared that this clause shall become operative, in a manner calculated to promote, or to assist the promotion of, rebellion against the authority of Government;

(c) in any prohibited place, <sup>3</sup>[protected place or protected area, or any other place or area as respects which an order has been made under rule 9] in a manner prejudicial—

(i) to the safety of any such place or area or of any industry, machinery or building in any such place or area;

<sup>1</sup> Substituted by D. C. Dept. notification No. 877-SM-41, dated the 20th September 1941, for the word, figures and letters "12, 27, 49, 51, 52, 53, 57, 119 and 120".

<sup>2</sup> Inserted by D. C. Dept. notification. No. 909-SM/41, dated the 11th October 1941:

<sup>3</sup> Substituted by D. C. Dept. notification No. 305-O.R./39, dated the 15th February 1941, for the words, brackets, letter and figures "protected place, protected area or any such place or area, as is referred to in clause (c) of sub-rule (1) of rule 9".

- (ii) to the output or effective control of any such industry or machinery.

(2) Any officer who makes an arrest in pursuance of sub-rule (1) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may, subject to the provisions of sub-rule (3), by order in writing, commit any person so arrested to such custody as the Provincial Government may by general or special order specify :

Provided—

- (i) that no person shall be detained in custody under this sub-rule for a period exceeding fifteen days without the order of the Provincial Government; and
- (ii) that no person shall be detained in custody under this sub-rule for a period exceeding two months.

(3) If any person arrested under clause (c) of sub-rule (1) is prepared to furnish security, the officer who has arrested him may, instead of committing him to custody, release him on his executing a bond with or without sureties that he will not, pending the receipt of the orders of the Provincial Government, enter, reside or remain in the areas in respect of which he became liable to arrest.

(4) On receipt of any report made under the provisions of sub-rule (2), the Provincial Government may, in addition to making such order, subject to the second proviso to sub-rule (2), as may appear to be necessary for the temporary custody of any person arrested under this rule, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to the said Government in the circumstances of the case to be reasonable or necessary.

(5) Subject to the condition that nothing in this sub-rule shall be deemed to extend the limits of detention prescribed in the first and second provisos to sub-rule (2), the Provincial Government may direct that any person arrested under clause (a) or clause (b) of sub-rule (1) shall be removed to any other province of which the Provincial Government (hereinafter described as the second Government) has given its consent in this behalf, and thereupon such person shall be removed and the second Government shall take in respect of such person such action as may be lawful in like manner as if such person had been arrested within its province.



(6) When security has been taken in pursuance of the provisions of sub-rule (3), the bond shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, by the Chief Presidency Magistrate or District Magistrate having jurisdiction in the area in respect of which the said security has been taken and the provisions of section 514 of the said Code shall apply accordingly.

130. (1) No Court or Tribunal shall take cognizance of any alleged contravention of these Rules, except on a report in writing of the facts constituting such contravention, made by a public servant. Cognizance of contraventions of the Rules, etc.

(2) Proceedings in respect of a contravention of the provisions of these Rules alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of <sup>1</sup>[any of the following rules, namely, 8A, 35, 98 and 104], shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class.

<sup>2</sup>[130A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person accused or convicted of a contravention of these Rules shall, if in custody, be released on bail or on his own bond, unless— Special provision regarding bail.

<sup>3</sup>[(a) the prosecution has been given an opportunity to oppose the application for such release, and]

(b) where the contravention is of any such provision of these Rules as the Central Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention].

131. No proceedings for a contravention of clause (c) of sub-rule (1) of rule 38 in respect of a prejudicial report the publication of which is, or which is an incitement to the commission of, a prejudicial act of the nature described in clause (k) of sub-rule (6) of rule 34 shall be taken in respect of any document circulated by, or under the authority of, a candidate for election to a Chamber of the Central or of a Provincial Legislature, save with Special sanction for certain prosecutions.

<sup>1</sup> Substituted by D. C. Dept. notification No. 944-O.R.-41, dated the 9th August 1941, for the words, figures and letter "rule 8-A or rule 35".

<sup>2</sup> Inserted by D. C. Dept. notification No. 542-O.R.-40, dated the 15th February 1941.

<sup>3</sup> Substituted by D. C. Dept. notification No. 542-O.R.-40, dated the 7th June 1941, for the original clause (a) of rule 130 A.

[*Orders under rule 2 (2) (b), Defence of India Rules.*]

the written sanction of the Central Government or of the Provincial Government, as the case may be.

Power to  
give effect to  
rules, orders,  
etc.

132. (1) Any authority, officer or person who is empowered by or in pursuance of <sup>1</sup>[the Defence of India Act, 1939, or] any of these Rules to make any order, or to exercise any other power may, in addition to any other action prescribed by or under these Rules, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power. XXXV  
1939.

(2) Where in respect of any of the provisions of these Rules there is no authority, officer or person empowered to take action under sub-rule (1), the Central or the Provincial Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of that Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt it is hereby declared that the power to take steps under sub-rule (1) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.

[*Orders under rule 2 (2) (b), Defence of India Rules.*]

D. C. Dept., No. 529-O. R./1/40, dated the 23rd July, 1940.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify the following areas to be enemy territory, namely:—

1. All French territory in Europe including Corsica.
2. Algeria.
3. The French Zone of Morocco.
4. Tunisia.

[*Gazette of India*, 1940, Extraordinary, p. 435.]

D. C. Dept., No. 529-O. R./3/40, dated the 14th September, 1940.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify French Somaliland to be enemy territory.

[*Gazette of India*, 1940, Pt. I, p. 1333.]

<sup>1</sup> Ins. by D. C. Dept. Notfn. No. 285-O. R./39, dated the 24th November 1939.

[Orders under rule 2 (2) (b), Defence of India Rules.]

D. C., Dept., No. 529-O.R./6/40, dated the 19th February 1941.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify Roumania to be enemy territory.

[Gazette of India, 1941, Extraordinary, p. 121.]

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D. C., Dept., No. 529-O.R./7/40, dated the 6th March 1941.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify Bulgaria to be enemy territory.

[Gazette of India, 1941, Extraordinary, p. 145.]

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D. C., Dept., No. 529-O.R./9/40, dated the 8th April 1941.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify Hungary to be enemy territory.

[Gazette of India, 1941, Extraordinary, p. 223.]

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D. C. Dept., No. 529-O.R./11/40, dated the 21st April 1941.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify Yugoslavia to be enemy territory.

[Gazette of India, 1941, Extraordinary, p. 261.]

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D. C. Dept., No. 529-O.R./14/40, dated the 13th May 1941.—In pursuance of sub-clause (b) of clause (2) of rule 2 of the Defence of India Rules, and in supersession of the notification of the Government of India in the Defence Co-ordination Department No. 529-O. R./13/40, dated the 3rd May, 1941, the Central Government is pleased to notify the main land of Greece to be enemy territory.

[Gazette of India, 1941, Extraordinary, p. 279.]

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D. C. Dept., No. 529-O.R./16/40, dated the 5th August 1941.—In pursuance of sub-clause (b) of clause

[*Orders under Rule 2 (2) (b) and 7, Defence of India Rules.*]

(2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify Finland to be enemy territory.

[*Gazette of India, 1941, Extraordinary, p. 475.*]

(*Orders under Rule 7, Defence of India Rule.*)

Home Dept., No. 21/114/39-Political (W.)-I., dated the 5th September 1939.—Whereas the Central Government considers it expedient that special precautions should be taken to prevent the entry of unauthorised persons into certain places.

Now, therefore, in exercise of the powers conferred by rule 7 of the Defence of India Rules, 1939, the Central Government is pleased to declare the places specified in the Schedule hereto annexed to be protected places.

*Schedule.*

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
1. Sewri Oil Depot .	Bombay . .	On the North by the Kharup Creek and Antop village. On the South by Sewri Koliwada road. On the East by the sea and Sewri Fort. On the West by the Port Trust Railway.
2. Pir Pau Pier .	Bombay . .	Situated in Trombay Island. Projects into the sea for a distance of 6,000 feet with an area of land accommodating Pump house at the North and with open boundaries.
3. Security Press .	Nasik. . .	The area of the Security Press is as enclosed by an eight feet wall and fence.
4. Bulk Oil Tanks, Burmah Shell Company.	Ambala . .	The walls surrounding the Tanks.
5. Bulk Oil Tanks, Vacuum Oil Company.	Ambala . .	The walls surrounding the Tanks.

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
6. Rawalpindi Electric Power Co., Ltd., Offices and Central Power Station.	Rawalpindi.	Fenced off area bounded by Mayo road on the South, Marir Hassan village on the East, N. W. Railway track to Arsenal on the North and the premises of Saifi Ice Factory on the West.
7. Lalkurty Bazar Electric Sub-Station	Rawalpindi.	The Sub-Station of the Rawalpindi Electric Power Co., Ltd., adjoining No. 1 Line Coy., Gough Road, Lalkurty Bazar.
1 *		
1 *		
10. Saddar Bazar Electric Sub-Station	Rawalpindi.	The Sub-Station of the Rawalpindi Electric Power Co., Ltd., at the junction of Edwards road and Ellenborough road.
11. Rawalpindi Electric Power Company Power House.	Jhelum	The hedge dividing the Rawalpindi Electric Power Company compound from (a) Station Road, (b) Captain Sir Sher Mohd. Khan's compound, (c) The Supply Depot.
12. Rawalpindi Electric Power Company Power House.	Abbottabad	Area enclosed by barbed wire fence on North side of Bardasht Khana road opposite Grass Farm Stack Yard.
13. Hydro-Electric Transforming Station.	Peshawar	The area enclosed by the fence.
14. Pushtakhara Water Works.	Peshawar	The area enclosed by the defended wall.
15. Hydro-Electric Sub-Station.	Mardan	The Hydro-Electric Sub-Station adjoining the Local Police Lines at Mardan.

<sup>1</sup> Entries 8 and 9 omitted, D. C. Dept., Notfn. No. 692-O.R./41, dated the 23rd August 1941.

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*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
16. Hydram Pumping Station on the Nowshera Minor.	Risalpur . . .	The area enclosed by the compound fence.
17. Railway Mechanical Workshops.	Pahartali (A. B. R.). Kharagpur (B. N. R.). Dohad (B., B. & C. I. R.). Parel (B., B. & C. I. R.). Ajmere (B., B. & C. I. R.). Kanchrapara (E. B. R.). Saidpur (E. B. R.). Jamalpur (E. I. R.). Lucknow (Sharbagh, E. I. R.). Lucknow (Alambagh, E. I. R.). Lillooah (E. I. R.). Ondal (E. I. R.). Parel (G. I. P. R.). Matunga (G. I. P. R.). Jhansi (G. I. P. R.). Perambur (M. & S. M. R.). Hubli (M. & S. M. R.). Moghalpura (N. W. R.). 1 * * * Golden Rock (S. I. R.). Gorakhpur (B. & N. W. R.).	The fences or walls bounding the workshops in each case.
<sup>2</sup> [ 18. Civil Aerodromes	Calcutta Airport, Dum Dum, Bengal.	<sup>3</sup> [ The whole of the aerodrome land excluding the residential area, the golf course area and the approach road to the administrative building.]

<sup>1</sup> The entry relating to "Sukkur" omitted, D. C. Dept. Notfn. No. 910-O.R./41, dated the 2nd August 1941.

<sup>2</sup> Entries 18 and 18-A subs., D. C. Dept. Notfn. No. 515-O.R./40, dated the 6th July 1940.

<sup>3</sup> Subs. D. C. Dept. Notfn. No. 799-O.R./41 dated the 3rd May 1941.

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
18. Civil Aerodromes— <i>contd.</i>	Karachi Airport, Drigh Road, Sind.	<sup>1</sup> [The whole of the aerodrome and airship base land excluding the residential area and the main approach road.]
	Delhi (Safdarjang)	The whole of the aerodrome land, excluding the residential area <sup>2</sup> * * *
	Mughal Bhim (Sind). Jacobabad. Ahmedabad. Bombay (Juhu). Cuddapah. Donakonda (Madras). Madras. Trichinopoly. Ramnad. Multan. Lahore. Cawnpore. Fatehpur (U. P.) Allahabad. Gaya. Chittagong.	The whole of the aerodrome land.
18-A. Seaplane Stations.	Calcutta (Willingdon Bridge) Allahabad. Karachi (West Wharf).	The whole of the land area pontoon and landing stages.]
19. All India Radio Studios, Transmitters and Receiving centres.	Peshawar . Trichinopoly. Bombay.	The fences or walls bounding the establishments in each case.
20. All India Radio Studios and Transmitter.	Lahore . Delhi. Lucknow. Calcutta. Madras. Dacca.	The fences or walls bounding the establishments in each case.

<sup>1</sup> Subs. D. C. Dept. Notfn. No. 515-O.R./40, dated the 15th March 1941.

<sup>2</sup> Certain words omitted, D. C. Dept. Notfn. No. 515-O.R./40., dated the 17th August 1940.

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
21. All India Radio Receiving Centre.	Todapur . . . <sup>1</sup> [Tiruvottiyur]  <sup>2</sup> [Lucknow. Calcutta. Dacca.]	The fences or walls bounding the Receiving Centre.
22. Indian Radio and Cable Communications Company Wireless Transmitting Station.	<sup>3</sup> [Dighi Village, near Kirkee.]	The fences or walls bounding the Transmitting Station.]
23. Indian Radio and Cable Communications Company Wireless Receiving Station.	Dhond . . .	The fence or wall bounding the Receiving Station.
<sup>4</sup> [24. Chola Electric Power House, G. I. P. Railway.	Chola, near Kalyan, Bombay.	Fences or walls bounding the Power House.
25. The Railway Workshops and Stores at Samastipur, B. & N. W. Railway.	Samastipur, Bihar	Fences or walls bounding the Workshops and Stores.]
<sup>5</sup> [26. Antop Hill . . .	Bombay . . .	(a) On the East, by the East side of the track running from the Chowkidar's hut to the point where the track joins the main road at the road junction near B. P. T. dispensary. (b) On the South, by the North side of the main road running close to the foot of Antop Hill.

<sup>1</sup> Ins. D. C. Dept., Notfn. No. 385-O.R./40, dated the 26th March 1940.<sup>2</sup> Ins. D. C. Dept., Notfn. No. 716-O.R./41, dated the 22nd February 1941.<sup>3</sup> Subs. D. C. Dept., Notfn. No. 382-O.R./1/40, dated the 13th July 1940.<sup>4</sup> Added D. C. Dept., Notfn. No. 237-O.R./39, dated the 26th September 1939.<sup>5</sup> Added D. C. Dept., Notfn. No. 237-O.R./39, dated the 5th January 1940.



(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
26. Antop Hill— <i>contd.</i>	Bombay . . .	(c) On the West, by the east side of the main road which runs round the foot of the hill in a northerly direction as far as the Cemeteries; thence by the west side of the track leading round the northern end of Antop Hill.  (d) On the North, by the north side of the track leading round the northern end of Antop Hill which joins the western and eastern boundaries.]
<sup>1</sup> [ 27. Power House and Power House Tank.	Saidpur (Eastern Bengal Railway).	The wall surrounding the Power House and Tank.]
<sup>2</sup> [ 28. Lucknow Power House, East Indian Railway.	Lucknow near Charbagh Notified Area.	Enclosed by high fencing.
29. Lucknow Goomti Pumping Station, East Indian Railway.	On the Goomti River to the south side of the Railway line from Lucknow to Fyzabad.	Enclosed by barbed wire fencing.
30. Jamalpur Water-works including the main reservoirs, East Indian Railway.	Jamalpur, south-east of the Railway Colony.	Enclosed by palisade fencing.
31. Monghyr Pumping Station, East Indian Railway.	Monghyr, on the pontoons in the river moored to the foreshore of Miss Murray's bungalow.	Entrance to pontoons is protected by barbed wire fencing.
32. Moghalsarai Electric Power House, East Indian Railway.	Moghalsarai, south of the centre line of the Station building.	Area enclosed by steel fencing.

<sup>1</sup> Added D. C. Dept., Notfn. No. 3-O.R./40, dated the 22nd January 1940.

<sup>2</sup> Added D. C. Dept., Notfn. No. 5-O.R./40, dated the 22nd January 1940.

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
33. Barakar Pumping Station, East Indian Railway.	Barakar river to the north of the Barakar Railway Station.	Enclosed by barbed wire fencing.
34. Chola Pump House, Great Indian Peninsula Railway.	Near Kalyan, 800 ft. to the north-east of the Chola Power House and located on the Ulhas river.	..
35. Bhusaval Power House, Great Indian Peninsula Railway.	Bhusaval, Bombay Presidency.	Enclosed by tie bar fencing.
36. North Western Railway Power House, Sukkur.	Sukkur about 400 yards to north-east of the North Western Railway Workshops.	Enclosed by fencing.
<sup>1</sup> [37. Railway Electrical Shops.	Saidpur, Eastern Bengal Railway.	Area bounded by fences and walls in each case.
38. Railway Stores and Stores Yards.	Ditto	Ditto
39. Railway Electrical Power Houses and Shops.	Kanchrapara, Eastern Bengal Railway.	Ditto.
40. Railway Stores and Stores Yards.	Ditto.	Ditto.]
<sup>2</sup> [41. Madras and Southern Mahratta Railway Water Works Reservoir.	Devargudihal, near Hubli Railway Station.	Area enclosed by boundary pillars, painted red.
42. Madras and Southern Mahratta Railway Pumping Station.	Ahobalapur, near Hubli Railway Station.	Ditto.
43. Madras and Southern Mahratta Railway High level Masonry Tank.	Ahobalapur Hill, near Hubli Railway Station.	Ditto.]

<sup>1</sup> Added D. C. Dept. Notfn. No. 5-O.R./3/40, dated the 27th March 1940.

<sup>2</sup> Added D. C. Dept. Notfn. No. 5-O.R./5/40, dated the 11th April 1940.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 153

*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
<sup>1</sup> [44. Alexandra Dock	Bombay . . .	<p><sup>2</sup>[ From the extreme north-east corner of Alexandra Dock basin by the shortest route to the iron fencing of the Ferry Wharf.</p> <p>Thence along the iron fencing southerly to the sea wall of Alexandra Dock.</p> <p>Thence along the sea wall of Nos. 20, 19 and 18 berths to the Outer Lock Gate.</p> <p>Thence along the seaward face of the lock gate and continued by the shortest route to a point on the wall of the Docks opposite to Dougall Road.</p> <p>Thence along the wall of the Docks northerly to the corner of the wall opposite Nicol Road.</p> <p>Thence to the extreme south-west corner of Alexandra Dock basin.</p> <p>Thence along the south and east walls of the basin to the extreme north-east corner.]</p>
<sup>3</sup> [45. Bulk Oil Installation of the Burma Shell Oil Storage and Distributing Co., Ltd., Wadi Bunder.	Bombay . . .	<p>The installation is bounded—</p> <p>(a) on the North by the G. I. P. Railway siding, leading across Frere Road to the Bombay Port Trust Railway and by the junction of the Bombay Port Trust main line to Ballard Pier and the siding to Mallet Bunder :</p>

<sup>1</sup> Added D. C. Dept. Notfn. No. 422-O.R./40, dated the 18th May 1940.

<sup>2</sup> Substituted D. C. Dept. Notfn. No. 422-O.R./40, dated the 29th June 1940.

<sup>3</sup> Added D. C. Dept. Notfn. No. 304-O.R./39, dated the 31st May 1940.

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
		(b) on the South by Mallet Road; (c) on the West by Frere Road; (d) on the East by the road leading from Mallet Bunder to Mazagaon Dock.]
<sup>1</sup> [46. Graving or dry Dock.	Vizagapatam	Bounded on the North by Ross Hill; on the East by barbed wire fence; on the South by the Entrance Channel; and on the West by barbed wire fence.
47. Power Station and Port Workshop.	Vizagapatam	Bounded on the North by the masonry wall bounding the compound of the Port Workshop; on the east by the eastern boundary walls of the compounds of the Port Workshop and Power Station respectively and a barbed wire fence joining the aforesaid two walls; on the south by the southern boundary wall of the Power Station compound; and on the west by the western boundary wall of the Power Station compound and the western boundary wall of the Port Workshop compound and a barbed wire fencing connecting these two walls.]
<sup>2</sup> [48. Reservoir (0587) and the surrounding country.	Nowshera (Peshawar District).	The Reservoir is completely surrounded by a barbed wire fence.

<sup>1</sup> Added D. C. Dept. Notfn. No. 491-O.R./40, dated the 8th June, 1940.

<sup>2</sup> Added D. C. Dept. Notfn. No. 293-O.R./2/39, dated the 22nd June 1940.

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
49. Water Catchment Area (069838).	Nowshera (Peshawar District).	The Water Catchment Area is delineated by a barbed wire and concrete pillar fence.]
<sup>1</sup> [50. Carnac Bunder Engine House.	Bombay . . .	An area in Frere Road surrounded by fencing, bounded on the north by Bombay Port Trust Crane-men's Quarters; on the south by Bombay Port Trust goods yard; on the east by Bombay Port Trust Railway; and on the west by Frere Road.]
<sup>2</sup> [51. Offices of the Department of Supply of the Government of India.	Calcutta . . .	The premises known as No. 6, Esplanade East.]
<sup>3</sup> [52. The Kistna Railway Bridge, Madras and Southern Mahratta Railway.	At mile 97/7-21 between Kudchi and Ugar Khurd on the Londa-Poona Line.	The area from mile 97/5 to 97/22 between Kudchi and Ugar Khurd and 300 feet each way along the river up and down stream of the bridge.
53. The Ghataprabha Railway Bridge, Madras and Southern Mahratta Railway.	At mile 65/1-13 between Gokak and Hukeri Road on the Londa-Poona Line.	The area from mile 65/0 to 65/14 between Gokak and Hukeri Road and 300 feet each way along the river up and down stream of the bridge.

<sup>1</sup> Added, D. C. Dept. Notfn. No. 384-O. R./40, dated the 14th September, 1940.

<sup>2</sup> Added, D. C. Dept. Notfn. No. 577-O. R./40, dated the 5th October, 1940.

<sup>3</sup> Added, D. C. Dept. Notfn. No. 384-O. R./40, dated the 9th November, 1940.

*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
54. The Wardha Railway Bridge, Madras and Southern Mahratta Railway.	At mile 40/12-17 between Savanur and Karajgi on the Bangalore-Hubli Line.	The area from mile 40/17 to 41/0 between Savanur and Karajgi and 500 feet each way along the river up and down stream of the bridge.
55. The Tungabhadra Railway Bridge, Madras and Southern Mahratta Railway.	At mile 160/22 to 161/10 between Munirabad and Hospet on the Hubli Guntakal Line.	The area from mile 160/22 to 161/11 between Munirabad and Hospet on the Hubli-Guntakal Line and 300 feet each way along the river up and down stream of the bridge.]
56. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Bally, District Hooghly.	<i>North</i> .—Ditch and Brickfield of Mulluck Jada Singh (lessee). <i>South</i> .—Bally Khal (known as Dankunikhal). <i>East</i> .—Brickfield of Chatarji and Company of Makhla, Uttarpura, Hooghly. <i>West</i> .—Brickfield of Rajan Singh and Bejoy Narayan Singh of Raghunathpur, Uttarpura, Hooghly.
57. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Fuleswar, District Howrah.	<i>North</i> .—Cultivated paddy land. <i>South</i> .—Banspati canal. <i>East</i> .—Barren land belonging to Messrs. Gillanders Arbuthnot & Co. <i>West</i> .—Jungle land belonging to Messrs. Gillanders Arbuthnot & Co.
58. Magazine of the Anglo-Thai Corporation Ltd. (Ewart Latham Branch).	Island of Trombay, Bombay Suburban District.	Bounded on the— <i>East &amp; North</i> (partly)—Government land. <i>West &amp; North</i> (partly)—Municipal land. <i>South</i> .—Government land, adjoining Kurla Mankhurd Railway line on the North of Mani village.

<sup>1</sup> Added, D. C. Dept. Notfn. No. 604-O.R./40, dated the 21st November, 1940.

**Part VI.—Rules and Orders under the Defence of 157  
India Act, 1939.**

*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
59. Magazine belonging to Messrs. Best & Co., Limited.	Avadi, Chingleput District.	Situated on a plot to land measuring about 1,161 feet on the North and South and 770 feet on the East and West at about $2\frac{1}{4}$ furlongs to the North-West of the Madras-Trivellore Road from the 4th furlong after the 13th milestone.
60. Magazine belonging to Messrs. Best & Co., Limited.	Siddhapuram, Nellore District.	North—Land bearing Survey No. 489. South—Land bearing Survey No. 492. East—Land bearing Survey Nos. 490 and 482. West—Land bearing Survey Nos. 493 and 494.
61. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Bermo, District Hazaribagh.	The magazine is bounded on all sides by wooded hills.
62. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	On the Bengal Coal Co.'s land in Mouza Pauredea, Pargana Khurdesha, District Hazaribagh.	North } Jungle and West } Tand lands.  South } Dosri. East }
63. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Puto in the village of Kodarma, District Hazaribagh.	North—Nalla. South—Villages Chandiri and Amatand. East—Nalla. West—Khuriabad.
64. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Gondhoodi, District Manbhum.	The magazine is bounded on all sides by jungles.
65. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	Bhagatdih, District Manbhum.	The magazine is built on land held under lease from Messrs. Andrew Yule & Co., Dhanbad, Manbhum.
66. Magazine belonging to Messrs. Gillanders Arbuthnot & Co.	On the Merah Estate of the Bengal Coal Co. three quarters of a mile north-west of a railway bridge at Barakar, District Manbhum.	On the Merah Estate of the Bengal Coal Co. $\frac{3}{4}$ of a mile North-West of a Railway bridge at Barakar and 600 and 800 yards north of Jharria Branch of East Indian Railway on the west side of the Barakar River.

*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
67. Magazine belonging to the Trustees of the Port of Karachi.	Floating magazine	The floating magazine is moored in Baba Creek, North-West of Baba Island, distance 3,000 feet from the nearest point of building.
68. Magazine belonging to Messrs. Anglo-Thai Corpn. Ltd.	Ghizree, Karachi	<i>North</i> —Vacant land, road leading to Parsi Tower of Silence and Channasar village. <i>East</i> —Vacant land towards the Parsi Tower of Silence. <i>West &amp; South</i> —Vacant land in direction of Railway Servant's Quarters and Military Rest Camp.
69. Magazine belonging to Messrs. Shaw Wallace & Co., 4, Bankshall Street, Calcutta.	Chandemetta, District Chhindwara.	<i>North</i> —Railway line. <i>South</i> —Kutch Road. <i>East</i> —Jungle and foot-path. <i>West</i> —Colliery camps..
70. Installation of Messrs. Burmah Shell Co., Madras.	Tondiarpet, Madras	Bearing R. S. Nos. 3894 and 3822 and bound- on the—  <i>North</i> —Cocoanut garden in R. S. No. 3895. <i>East</i> —Elya Mudali Street in R. S. Nos. 3897 and 3820 and coconut garden in R. S. No. 3821. <i>South</i> —M. & S. M. Railway line in R. S. Nos. 3826/1 and 3826/3 and Caltex (India) Ltd. Installation in R. S. No. 3826/2. <i>West</i> —M. & S. M. Railway line in R. S. Nos. 3892/1 and 3828/1, 2, 3 and 5; vacant land round Pilliar Temple in R. S. No. 3894 (part) and vacant land in R. S. No. 3892/8 excluding Vydianatha Mudali Street running East to West in R. S. No. 3893.



(Orders under Rule 7, Defence of India Rule.)

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
71. Installation of Messrs. Burmah Shell Co., Madras.	Royapuram, Madras.	Bearing R. S. No. 285 and bounded on the— <i>North</i> —South Mada Church Road in R. S. No. 286/1. <i>East</i> —Madras Port Trust Railway line in R. S. No. 283. <i>South</i> —Private bungalow in R. S. No. 284. <i>West</i> —Thandavamurthi Chetty Street in R. S. No. 264.
72. Installation of Messrs. Burmah Shell Co., Madras.	Royapuram, Madras.	Bearing R. S. No. 4 (part) and 23 (part) (excluding Mannarsami Koil Street running North to South in R. S. No. 7) and bounded on the— <i>North</i> —Railway permanent way and coal unloading yard in R. S. No. 4 (part) and Railway permanent way in R. S. No. 23. <i>East</i> —Railway coal unloading yard in R. S. No. 4. <i>South</i> —Railway coal and fire-wood unloading yard in R. S. No. 23 and M. & S. M. Railway quarters and Printing Press in R. S. No. 4. <i>West</i> —Railway coal and fire-wood unloading yard in R. S. No. 23.
73. Installations of Messrs. Standard Vacuum Oil Co., Madras.	Casimode, Royapuram, Madras.	(1) Bearing R. S. Nos. 3057 and 3058 (part) (excluding the bungalow and its premises occupied by the Installation Manager) and bounded on the— <i>North</i> —Flag Staff Station in R. S. No. 3474. <i>East</i> —Shaik Maistry Street in R. S. No. 3083 and burial ground in R. S. No. 3059. <i>South</i> —Burial ground in R. S. No. 3059 and vacant land in R. S. No. 3058/6.

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*(Orders under Rule 7, Defence of India Rules.)*

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
74. Installation of Messrs. Standard Vacuum Oil Co., Madras.	Harbour, Royapuram, Madras.	<p><i>West</i>—S u r i y anarayana Chetti Street in R. S. No. 3056, and (2) Bearing R. S. No. 3306 and bounded on the—</p> <p><i>North</i>—N o r t h w i c k School in R. S. No. 3307 and “Beach House” in R. S. No. 3306.</p> <p><i>East</i>—Ghouse Mohideen Pettah Road in R. S. No. 3308.</p> <p><i>South</i>—Richardson and Cruddas Workshops in R. S. Nos. 3303 and 3305.</p> <p><i>West</i>—Shaik Maistry Street in R. S. No. 3083.</p> <p>The walls surrounding the tanks in R. S. Nos. 314 and 316 and bounded on the—</p> <p><i>North</i>—North Mada Church Street in R. S. No. 486.</p> <p><i>East</i>—Madras Port Trust Railway line in R. S. No. 315.</p> <p><i>South</i>—South Mada Church Road in R. S. No. 286/1.</p> <p><i>West</i>—T h a n d a v a m u r t h i Street in R. S. No. 313 and East Mada Church Road in R. S. No. 339.</p>
75. Installation of Messrs. Western India Oil Distributing Co., Madras.	Casimode, Royapuram, Madras.	<p>Bearing R. S. No. 3129 (excluding the path from Ghouse Mohideen Pettah Road and the residential and office premises of the Installation Manager) and bounded on the—</p> <p><i>North</i>—Madras Port Trust vacant land in R. S. Nos. 4359 and 3129.</p> <p><i>East</i>—Madras Port Trust Railway line in R. S. Nos. 4359 and 3129.</p> <p><i>South</i>—“Trust Villa” in R. S. No. 3130.</p> <p><i>West</i>—Ghouse Mohideen Pettah Road in R. S. No. 3130.</p>

Part VI.—Rules and Orders under the Defence of India Act, 1939. 161

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
76. Installation of Messrs. Caltex (India), Ltd., Madras.	Tondiarpet, Madras	Bearing R. S. No. 3826/2 and bounded on the— <i>North</i> —Burmah Shell Installation in R. S. No. 3825 and R. S. No. 3822/1. <i>East</i> —Elaya Mudali Street in R. S. Nos. 3820 and 3802. <i>South</i> —Cocoanut garden in R. S. No. 3811. <i>West</i> —M. & S. M. Railway line in R. S. Nos. 3813/3, 3828/1 and 3826/3.
77. Installation of Messrs. Mills Store Co., Calcutta.	King George's Dock, Calcutta.	<i>North</i> —Port Commissioners' open land used as railway passage. <i>East</i> —Port Commissioners' land leased to Messrs. Caltex (India), Ltd. <i>West</i> —Port Commissioners' land partly leased to Mr. B. R. Kuthiala and partly opened. <i>South</i> —Port Commissioners' open land.
78. Installation of Messrs. Western India Oil Distributing Company, Calcutta.	Kidderpore, Calcutta.	<i>North</i> —Remount Road. <i>East</i> —Open space. <i>South and West</i> —Port Commissioners' Railway siding.]
<sup>1</sup> [79. The Attock Oil Company's pipe line.	Rawalpindi and Attock districts.	From Morgah in the Rawalpindi District to Dhulian in the Attock District, including land 10 feet on either side of the pipe line.]
<sup>2</sup> [80. Gogha light	Ahmedabad	Serial No. 511 in the Admiralty List of Lights, Part VI.
81. Bulsar Khari light (Kosamba).	Surat	Serial No. 524 in the Admiralty List of Lights, Part VI.

<sup>1</sup> Added, D. C. Dept. Notfn. No. 584-O.R./40, dated the 21st December 1940.

<sup>2</sup> Added, D. C. Dept. Notfn. No. 490-O.R./40, dated the 25th January 1941.

Name of Protected Place. 1	Locality. 2	Boundaries or other description. 3
82. Harnai Promontory light.	Ratnagiri.	Serial No. 557 in the Admiralty List of Lights, Part VI.
83. Ratnagiri light (Southern Bastion of old Fort).	Ratnagiri.	Serial No. 564 in the Admiralty List of Lights, Part VI.
84. Deogarh light (North-west Bastion of Fort).	Ratnagiri.	Serial No. 569 in the Admiralty List of Lights, Part VI.
85. Karwar Port light	North Kanara .	Serial No. 590 in the Admiralty List of Lights, Part VI.
86. Kumta Point light	North Kanara .	Serial No. 593 in the Admiralty List of Lights, Part VI.
87. Bhatkel light .	North Kanara .	Serial No. 596 in the Admiralty List of Lights, Part VI.]
<sup>1</sup> [88. Military Engineer Services Electric Power Station.	Hunter Road, Ahmednagar.	Area measuring 1.63 acres enclosed by a plain and barbed wire fence.
89. Military Engineer Services Electric Pumping Station.	Kapurwadi, Ahmednagar.	Area measuring 0.90 acres enclosed by a compound wall.]
<sup>2</sup> [90. Electric Sub-station, Grant Road.	Bombay City .	Sub-station building.
91. Electric Sub-station, Bandra.	Bombay suburban District.	Sub-station building.
92. Electric Sub-station, Kandivli.	Bombay suburban District.	Sub-station building.
93. Electric Sub-station, Bassein Road.	Thana District, Bombay.	Sub-station building.
94. Water works and Filtration Plant, Freelandganj.	Dohach in the Broad and Panch Mahal district, Bombay.	Bounded on the north and west by open country and fields, on the south by the Filter Road and on the east by staff quarters.

<sup>1</sup> Added, D. C. Dept. Notfn. No. 548-O.R./40, dated the 8th February 1941.

<sup>2</sup> Added, D. C. Dept. Notfn. No. 380-O.R./40, dated the 12th July 1941.

(Orders under Rule 7, Defence of India Rules.)

Name of Protected Place.	Locality.	Boundaries or other description.
1	2	3
95. Kali Dam Water Supply Works, Dohad.	Dohad in the Broach and Panch Mahal district, Bombay.	Situated to the north of Freelandganj colony at a distance of about 5½ miles and in the village of Sakarda surrounded on all sides by open country and fields.
96. Wanki Water Supply and Filter House, Bulsar.	Bulsar in the Surat District, Bombay. At mile 123 south of Bulsar Yard.	The wire fence bounding the filter house.
97. Railway Power House and Electrical Workshop, Ajmer.	Ajmer . . .	The fences or walls bounding the Power House and Workshop.
98. The South Bassein Railway Bridge.	Thana District, Bombay, mile 29, feet 345, between Bhayandar and Bassein Road Railway stations.	A distance of 1,320 feet each way along the track and 50 feet up and down stream from the centre of the abutment on each side of the bridge.
99. The North Bassein Railway Bridge.	Thana District, Bombay, mile 30, feet 471, between Bhayandar and Bassein Road Railway stations.	A distance of 1,320 feet each way along the track and 50 feet up and down stream from the centre of the abutment on each side of the bridge.
100. The Silver Jubilee Railway Bridge.	Near Broach Railway station in the Broach and Panch Mahals, District Bombay.	A distance of 1,320 feet each way along the track and 300 feet up and down stream from the centre of the abutment on each side of the bridge.]
<sup>2</sup> [101. Oil-storage installation of Messrs. Standard Vacuum Oil Company, Bombay.	Hay Bunder, Bombay.	Surrounded by compound walls.
102. Oil-storage installation of Messrs. Caltex (India), Limited, Bombay.	Hay Bunder, Bombay.	Surrounded by compound walls.]

[Gazette of India, 1939, Extraordinary, p. 227.]

<sup>1</sup>Added, D. C. Dept. Notfn. No. 922-O.R./41, dated the 12th July 1941.

(Orders under Rules 7 and 8, Defence of India Rules.)

*Commerce Dept., No. 21-W. (1)/39, dated the 21st October, 1939.*—Whereas the Central Government considers it expedient that special precautions should be taken to prevent the entry of unauthorised persons into the places hereinafter mentioned.

Now, therefore, in exercise of the powers conferred by rule 7 of the Defence of India Rules, the Central Government is pleased to declare all lighthouses in India which are general lighthouses for the purposes of the Indian Lighthouse Act, 1927 (XVII of 1927), to be protected places.

[*Gazette of India*, 1939, Pt. I, p. 1715.]

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*Chief Commissioner, Baluchistan, No. A.-113 (31)-Misc./958-G., dated the 29th January, 1941.*—In exercise of the powers conferred by Rule 7 of the Defence of India Rules, the Chief Commissioner of British Baluchistan is pleased to declare all magazines, situated in British Baluchistan, in respect of which a license in Form L has been issued under the Explosive Rules, 1940, to be "protected places".

[*Gazette of India*, 1941, Pt. I-A, p. 43.]

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(Orders under Rule 8, Defence of India Rules.)

*Home Dept., No. 21/114/39-Political (W.)II, dated the 5th September, 1939.*—Whereas the Central Government considers it expedient to regulate the entry of persons into certain areas.

Now therefore in exercise of the powers conferred by rule 8 of the Defence of India Rules, 1939, the Central Government is pleased—

- (1) to declare that the areas specified in the first column of the Schedule hereto annexed shall be protected areas; and
- (2) to direct that on and after the date specified in the corresponding entry in the second column of the said Schedule, no person who was not at the beginning of that day resident in the said areas, shall be therein, except in accordance with the terms of a permit granted to him by the authority

(Orders under Rule 8, Defence of India Rules.)

specified in the corresponding entry in the third column of the said Schedule.

*Schedule.*

Description of Protected Area.  1	Date of commencement of restrictions on residence.  2	Authority to grant permits for residence.  3
<p>1. <i>Karachi Dock Area.</i>—The area within the following boundaries :— —A line from the shore just East of the Caltex Oil Tanks running 1,000 yards North West to the High Water line of China Creek and following this round Kiamari and Napier Mole bridge—thence inclusive the Hindu bathing ghat and temple to the junction of Bandar and Edulji Dinshaw roads—thence to the junction of Edulji Dinshaw and Harris roads and due West to the High Water mark.</p>	<p>5th September 1939.</p>	<p>Fortress Commander, Karachi.</p>
<p>2. <i>Khaur Oil Field.</i>—The area enclosed by a line drawn from Attock Oil Co., Ltd., well No. 115 lying N. W. of Kbaur village to the corner of the P. W. D. road adjacent to the Attock Oil Co., Ltd. Hospital, thence to the N. W. corner of the boundary fence of the Attock Oil Co., Ltd. motor repair workshop drawn so as to include the D. C. electric power house, thence following the Northern boundary of the Attock Oil Co., Ltd. Godown yard to well No. 7 thence southward to the northern escarpment of the hills bounding the oilfield on the south and following the said hills to the starting point well 115.</p>	<p>5th September 1939.</p>	<p>Commander, Rawalpindi Brigade or Area.</p>

Description of Protected Area.  1	Date of commencement of restrictions on residence.  2	Authority to grant permits for residence.  3															
3. <i>Dhulian Oil Field.</i> —The area enclosed by the boundary pillars of the Attock Oil Co., Ltd. land acquisition area lying generally S. W. of Dhulian village and South and S. E. of Gharibwal village. The Area is as notified for acquisition by Punjab Gazette No. 2051/I. & L. 39/19156 and 2051-I. & L. 39/19162 of 27th May 1939.	5th September 1939.	Commander, Rawalpindi Brigade or Area.															
4. <i>Morgah Oil Refinery.</i> —The area of the Oil Refinery at Morgah is as enclosed by the Refinery boundary fence.	5th September 1939.	Commander, Rawalpindi Brigade or Area.															
<p>11[5. <i>Kalabagh-Mari Indus Bridge Area.</i>—The area within five boundary posts numbered 1, 2, 3, 4 and 5 and the Bridge Head Defence Zone.</p> <table> <tr> <th data-bbox="172 1152 518 1181">Boundary Pillars.</th><th data-bbox="518 1152 713 1181">Distance.</th><th data-bbox="713 1152 1027 1181">True Bearings.</th></tr> <tr> <td data-bbox="172 1181 518 1211">Nos. 1 to 2 . . . .</td><td data-bbox="518 1181 713 1211">4712 ft.</td><td data-bbox="713 1181 1027 1211">99°-3' E.</td></tr> <tr> <td data-bbox="172 1211 518 1240">„ 2 to 3 . . . .</td><td data-bbox="518 1211 713 1240">3588 „</td><td data-bbox="713 1211 1027 1240">184°-3' E.</td></tr> <tr> <td data-bbox="172 1240 518 1270">„ 3 to 4 . . . .</td><td data-bbox="518 1240 713 1270">4262 „</td><td data-bbox="713 1240 1027 1270">263°-33' E.</td></tr> <tr> <td data-bbox="172 1270 518 1299">„ 4 to 5 . . . .</td><td data-bbox="518 1270 713 1299">4250 „</td><td data-bbox="713 1270 1027 1299">342°-3' E.</td></tr> </table> <p>No. 1 Pillar is located 200 yards N.E. of the Kalabagh end, Mari Indus Railway Bridge.</p> <p>No. 5 Pillar is located 200 yards S.W. of the Kalabagh end, Mari Indus Railway Bridge.</p> <p><i>Bridge Head Defence Zone.</i> This is an area 600 ft. radius from the abutment. It is permanently marked at site with steel rails driven into the ground and is included in the Protected Area.]</p>	Boundary Pillars.	Distance.	True Bearings.	Nos. 1 to 2 . . . .	4712 ft.	99°-3' E.	„ 2 to 3 . . . .	3588 „	184°-3' E.	„ 3 to 4 . . . .	4262 „	263°-33' E.	„ 4 to 5 . . . .	4250 „	342°-3' E.	5th September 1939.	Officer Commanding Mari Indus.
Boundary Pillars.	Distance.	True Bearings.															
Nos. 1 to 2 . . . .	4712 ft.	99°-3' E.															
„ 2 to 3 . . . .	3588 „	184°-3' E.															
„ 3 to 4 . . . .	4262 „	263°-33' E.															
„ 4 to 5 . . . .	4250 „	342°-3' E.															

<sup>1</sup> Subs., D. C. Dept.' Notfn. No. 1045-O. R./41, dated the 27th September 1941.



Part VI.—Rules and Orders under the Defence of India Act, 1939.

(Orders under Rule 8, Defence of India Rules.)

Description of Protected Area. 1	Date of commencement of restrictions on residence. 2	Authority to grant permits for residence. 3
<p>6. Digboi Oilfield—</p> <p>(a) The area covered by an area five miles in radius from Digboi Railway station.</p> <p>(b) An area extending to one mile on each side of Digboi-Tinsukia road.</p> <p>(c) An area one mile in radius from Tinsukia railway station.</p>	<p>5th September 1939.</p>	<p>Superintendent of Police or Military Officer Commanding the Area.</p>
<p><sup>1</sup>[7. Kirkee Ordnance Estate and surrounding country, Kirkee.—The area enclosed by a line running from a point on the right bank of the Mula River 475 yards North East of Cantonment pillar No. 42-A due South along the existing barbed wire fence crossing the railway at a point almost due South of the Block-house, continuing to follow the fence in a South Easterly direction and crossing Ordnance Road at point 1834. Thence East by South to the second Block house, from which due South to the South-West corner of the Central Magazine, and thence to the junction of Commissariat Road and Powder Works' Road. Thence due East to the Ziarat North of the third Blockhouse. Thence along the footpath running to point 1835, and thence to point 1823, crossing Caldecott Road East of this point, thence along the barbed wire boundary fence to boundary pillar ZAI and thence to the river bank at boundary pillar ZA from which following the right bank of the Mula River upstream to the starting point 475 yards North East of Cantonment pillar No. 42-A.]</p>	<p>21st September 1940.</p>	<p>Superintendent, Ammunition Factor Kirkee.</p>

<sup>1</sup> Added, D. C. Dep t. Notfn. No. 539-O. R./40, dated the 21st September 1940.

(Orders under Rule 8, Defence of India Rules.)

Description of Protected Area.	Date of commencement of restrictions on residence.	Authority to grant permits for entry or residence.
1	2	3
[8. <i>Dinjan Aerodrome.</i> —An area covered by a circle with its centre at the Udalguri Tea Factory, in the district of Lakhimpur, and a radius of one and a half miles.	2nd August 1941.	Superintendent of Police, Lakhimpur, or Military Officer Commanding the Area.]

[*Gazette of India*, 1939, Extraordinary, p. 229.]

*E. A. Dept., No. 2-W., dated the 15th January, 1941.*—Whereas the Central Government considers it expedient to regulate the entry of persons into the area specified in the first column of the Schedule hereto annexed :—

Now, therefore, in exercise of the powers conferred by rule 8 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased—

- (1) to declare that the said area shall be a protected area ; and
- (2) to direct that, on and after the day specified in the second column of the Schedule, no person who was not at the beginning of the said day resident in the said area shall be therein, except in accordance with the terms of a permit granted to him by one or other of the authorities specified in the third column of the said Schedule, provided that no such permit shall be required in respect of any person in the military service of the Crown or any person travelling

<sup>1</sup>Added, D. C. Dept. Notfn. No. 839-O. R./41, dated the 2nd August 1941.

*Part VI.—Rules and Orders under the Defence of 169  
India Act, 1939.*

*(Orders under Rules 8 and 9, Defence of India Rules.)*

through the said area to or from Afghanistan.

*Schedule.*

Description of Protected Area.	Date of commencement of restrictions on residence.	Authority to grant permits for entry or residence.
1	2	3
The whole area known as "the Khyber" and in the political charge of the Political Agent, Khyber.	15th January 1941.	1. Headquarters, Peshawar District. 2. The Local Administration of the North-West Frontier.

[*Gazette of India*, 1941, Pt. I, p. 88.]

*D. C. Dept., No. 232-O. R./3/39, dated the 9th September, 1939.*—Whereas the Central Government has declared<sup>1</sup> the Digboi Oilfields as protected areas.

Now therefore in exercise of the powers conferred by sub-rule (2) of rule 8 of the Defence of India Rules, the Central Government is pleased to direct that persons travelling through the said protected areas by rail or by the main Tinsukia-Digboi road shall be exempted from the requirement of having a permit subject to the condition that they shall not leave the said railway premises or the said road.

[*Gazette of India*, 1939, Extraordinary, p. 264.]

*(Orders under Rule 9, Defence of India Rules.)*

*E. A. Dept., No. 9-W., dated the 15th April, 1941.*—Whereas it appears to the Central Government to be expedient in the interests of the defence of India and the public safety to take special precautions in relation to the tribal area in charge of the Political Agent, Kurram :

Now, therefore, in exercise of the powers conferred by rule 9 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern

<sup>1</sup>See Notfn. No. 21/114/39-Political (W.)-II, dated the 5th September, 1939, *supra*, p. 164.

*(Orders under Rule 9, Defence of India Rules.)*

boundaries of the North-West Frontier Province, the Central Government is pleased to direct that no person shall remain in, enter into or pass through the said area unless he—

- (i) is a British subject, a British protected person, an Afghan subject or a Nepalese subject; or
- (ii) has been resident in the said area immediately before the 15th day of April, 1941; or
- (iii) has obtained a written permit in that behalf from the Governor of the North-West Frontier Province or the Commander, Kohat District, or the Political Agent, Kurram.

[*Gazette of India*, 1941, Pt. I, p. 548.]

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*D. C. Dept., No. 781-O. R./41, dated the 19th April, 1941.*—Whereas it appears to the Central Government to be expedient in the interests of the defence of India and the public safety to take special precautions in relation to the Kohat District.

Now, therefore, in exercise of the powers conferred by rule 9 of the Defence of India Rules, the Central Government is pleased to direct that no person shall remain in, enter into or pass through the said District unless he—

- (i) is a British subject, a British protected person, an Afghan subject or a Nepalese subject; or
- (ii) has been resident in the said District immediately before the 19th day of April, 1941; or
- (iii) has obtained a written permit in that behalf from the Governor of the North-West Frontier Province or the Deputy Commissioner, Kohat District or the Commander, Kohat District.

[*Gazette of India*, 1941, Pt. I, p. 589.]

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*D. C. Dept., No. 819-O. R./41, dated the 24th May, 1941.*—Whereas it appears to the Central Government to be expedient in the interests of the defence of British India and the public safety to take special precautions

(Orders under Rule 9, Defence of India Rules.)

in relation to the Chittagong Hill Tracts, the North-East Frontier (Sadiya and Lakhimpur) Tracts, the Naga Hills District, the Lushai Hills District and the North Cachar Hills Sub-division of the Cachar District :

Now, therefore, in exercise of the powers conferred by rule 9 of the Defence of India Rules, as applied to the excluded areas in Bengal and Assam, the Central Government is pleased to direct that no person shall remain in, enter into or pass through the said Tracts, Districts or Sub-division unless he—

- (i) is a British subject, a British protected person,  
<sup>1</sup>[an inhabitant of the tribal areas adjacent to Assam, a Bhutanese subject,] an Afghan subject, a Tibetan subject or a Nepalese subject; or
- (ii) has been resident in the said Tracts, Districts or Sub-division immediately before the 24th day of May, 1941; or
- (iii) has obtained a written permit in that behalf from
  - (a) the Commander, Presidency and Assam District; or
  - (b) in respect of the Chittagong Hills Tracts, the North-East Frontier (Lakhimpur) Tract and the Naga Hills District, the Deputy Commissioner of the Tracts or District, as the case may be; or
  - (c) in respect of the North-East Frontier (Sadiya) Tract, the Political Officer, Sadiya Frontier Tract; or
  - (d) in respect of the Lushai Hills District, the Superintendent, Lushai Hills; or
  - (e) in respect of the North Cachar Hills Sub-division of the Cachar District, the Deputy Commissioner, Cachar.

[Gazette of India, 1941, Pt. I, p. 771.]

D. C. Dept., No. 819-O. R./1/41, dated the 24th May, 1941.—Whereas it appears to the Central Government to be expedient in the interests of the defence of

<sup>1</sup> Ins., D. C. Dept., Notfn. No. 819-O. R./41, dated the 1st November 1941.

[*Orders under Rules 9 and 16 (2), Defence of India Rules.*]

British India and the public safety to take special precautions in relation to the Chittagong district, Lakhimpur district and Cachar district :

Now, therefore, in exercise of the powers conferred by rule 9 of the Defence of India Rules, the Central Government is pleased to direct that no person shall remain in, enter into or pass through the said districts unless he—

- (i) is a British subject, a British protected person, <sup>1</sup>[an inhabitant of the tribal areas adjacent to Assam, a Bhutanese subject,] an Afghan subject, a Tibetan subject or a Nepalese subject; or
- (ii) has been resident in any of the said districts immediately before the 24th day of May, 1941; or
- (iii) has obtained a written permit in that behalf from the Commander, Presidency and Assam District, or, in respect of the Chittagong district, the District Magistrate, Chittagong, or, in respect of the Lakhimpur and Cachar districts, the Deputy Commissioner, Lakhimpur or Cachar, as the case may be.

[*Gazette of India*, 1941, Pt. I, p. 771.]

[*Orders under Rule 16 (2), Defence of India Rules.*]

*Commns. Dept., No. W.-26 (38)/39, dated the 26th July, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules, and in supersession of the notification of the Government of India in the Department of Communications, No. WB/56, dated the 19th September, 1939, the Central Government is pleased to order that no person shall work any wireless telegraphy apparatus in aircraft except for communications essential to the safety and regularity of the navigation of the aircraft.

[*Gazette of India*, 1941, Pt. I, p. 1076.]

*Defence Dept., No. 1224, dated the 26th July, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules, and in supersession of the notification of the Government of

<sup>1</sup> Ins., D. C. Dept., Notfn. No. 819-O. R./1/41, dated the 1st November 1941.

[Orders under Rule 16 (2), Defence of India Rules.]

India in the Defence Department, No. 985, dated the 6th July, 1940, the Central Government is pleased to order that no person on board any vessel in the territorial or tidal waters of British India, or on board any vessel registered in British India wherever that vessel may be, shall work any wireless transmitting apparatus :

Provided that nothing in this Order shall apply to the sending, under the authority of the master of the vessel, of distress messages, enemy reports, or messages sent in accordance with the instructions of naval authorities.

[Gazette of India, 1941, Pt. I, p. 1068.]

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Commns. Dept., No. W.-16 (22)/40-II, dated the 10th September, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. This Order may be called the Wireless Telegraphy Apparatus (Possession) Order, 1941.

2. This Order shall not apply in relation to any apparatus acquired by virtue of a permit under the Electrical Apparatus (Dealings) Order, 1941.

3. On and after the 1st November 1941 no person shall, except under the authority of a permit granted by the Director General of Posts and Telegraphs, in this behalf, have in his possession or under his control any of the following apparatus, namely :—

(a) wireless apparatus components capable of being assembled to form a wireless transmitter;

(b) any wireless receiving apparatus which is designed to be used also as a wireless transmitter or which can be adapted for such use by the operation of a switch or by the changing of screwed or plug connections.

4. Applications for permits shall be made to the Electrical Engineer-in-Chief, Telegraph Store Yard, Alipore, Calcutta, through the District Magistrate or Commissioner of Police within whose jurisdiction the applicant is residing, on forms obtainable at any Head Post Office or from the Electrical Engineer-in-Chief, stating full particulars of the apparatus concerned, the

[*Orders under Rules 16 (2) and 22 (2), Defence of India Rules.*]

purpose for which it is required, and the name, address and occupation of the person in whose possession or under whose control the apparatus is to be retained.

[*Gazette of India*, 1941, Extraordinary, p. 564.]

[*Orders under Rule 22 (2), Defence of India Rules.*]

D. C. Dept., No. 375-O. R./1/40, dated the 16th November, 1940.—In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

ORDER.

1. This Order may be called the Control of Non-postal Communications Order, 1940.

2. In this Order, the expression “prohibited article” means :—

- (i) any newspaper, book, or other printed manuscript or typescript publication, or cuttings or portions from any of the above;
- (ii) any map, plan, sketch, drawing, print, photograph or other descriptive or pictorial representation, or literature for the blind;
- (iii) any postage or revenue stamps;
- (iv) any official seal as defined in clause (c) of sub-rule (1) of rule 47 of the Defence of India Rules;
- (v) any letters or memoranda;
- <sup>1</sup>[(va) any gramophone record;]
- (vi) any other article whatsoever recording information by words, signs or otherwise.

3. No person shall send otherwise than by post, or have in his possession for the purpose of sending otherwise than by post, to any destination outside British India, and no person shall convey or have in his possession for the purpose of conveying out of or into British India, any prohibited article :

Provided that the provisions of this paragraph shall not apply to :—

- (a) any prohibited article as to which the appropriate officer is satisfied that it is being sent or conveyed from British India to any

<sup>1</sup> Ins., D. C. Dept. Notfn. No. 375-O. R./1/40, dated the 5th April 1941.



*[Orders under Rule 22 (2), Defence of India Rules.]*

of the following places or from any of the following places into British India :—

any Indian State, any tribal area, any part of His Majesty's Dominions, any British Protectorate or Mandated Territory or any other territory which is under His Majesty's protection or suzerainty;

- (b) any prohibited article in respect of which the person sending it or conveying it, or having it in his possession for the purpose of sending or conveying it has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor, India, and has complied with any conditions subject to which the permit has been granted;
- (c) any prohibited article in transit which has been submitted voluntarily at the places of arrival and departure for examination by a censor, and has been approved for further transit in compliance with any conditions subject to which such approval has been given;
- (d) any prohibited article being conveyed into or out of British India which has been submitted voluntarily at the place of arrival or departure, as the case may be, for examination by the appropriate officer and has been approved by him for further conveyance in compliance with any conditions subject to which such approval has been given;
- (e) any prohibited article which is a document required by law to be carried on a vessel or aircraft, or is a document relating to the cargo, charter or other business of the vessel or aircraft on which it has to be conveyed, or of the owner of such vessel or aircraft, and is necessary for the proper conduct of such business, provided that such document :—
  - (i) is submitted to the appropriate officer for examination and approval at the port or place of departure from British India, if he so requires;

[Orders under Rules 22 (2) and 25 (1) (a), Defence of India Rules.]

- (ii) is kept in the personal custody of the master of the vessel or the pilot of the aircraft, as the case may be;
- (f) any prohibited article for the time being exempted from the requirements of this Order by general or special order of the Central Government, provided that such prohibited article is submitted to the appropriate officer for examination and approval at the port or place of departure from British India if he so requires;
- (g) any prohibited article which is being conveyed or sent by a person or firm for sale on a ship or aircraft, provided the person or firm has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor and has complied with any conditions subject to which the permit has been granted.

[*Gazette of India*, 1940, Pt. I, p. 1586.]

*E. A. Dept., No. 25-W., dated the 5th December, 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to apply to the said areas, the <sup>1</sup>Control of Non-postal Communications Order, 1940, subject to any amendments to which the said Order is for the time being subject in British India and to the modification that in clause 3 of the said Order, references to British India shall be construed as references to the said areas.

[*Gazette of India*, 1940, Pt. I, p. 1693.]

[Orders under Rule 25 (1) (a), Defence of India Rules.]

*C. D. Dept., No. 13/M. P., dated the 13th November, 1941.*—In exercise of the powers conferred by clause (a) of sub-rule (1) of rule 25 of the Defence of India Rules, and in supersession of the Notification of the Government of India in the Defence Co-ordination Department No. 13/M. P., dated the 14th October, 1939, the Central Government is pleased to order that no male

<sup>1</sup> *Supra* p. 174.

*Part VI.—Rules and Orders under the Defence of 177  
India Act, 1939.*

*[Orders under Rules 25 (1) (a), 37A, and 45 (1), Defence of India Rules.]*

European British Subject as defined in clause (a) of section (2) of the Registration (Emergency Powers) Act, 1940 (I of 1940), who, for the time being is in India and has attained the age of 16 years but has not attained the age of 50 years, other than a Government servant proceeding out of India under the orders, or with the permission, of Government, or an employee of the British Overseas Airways Corporation Limited proceeding out of India on duty, shall depart from British India, for any destination outside India except under the authority of a written permit granted by the Commander of a Military District or an Independent Brigade Area.

*[Gazette of India, 1941, Pt. I, p. 1666.]*

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*(Orders under Rule 37A, Defence of India Rules.*

*Commns. Dept., No. W.-16 (22)/40-III, dated the 10th September, 1941.—In exercise of the powers conferred by rule 37A of the Defence of India Rules, the Central Government is pleased to make the following Order :—*

1. This Order applies to apparatus that generates or uses, and has a maximum power output exceeding ten watts of, electrical energy at a frequency exceeding ten thousand cycles per second, not being wireless transmitting apparatus.

2. Any person in the case of whom either of the following conditions is satisfied, namely :—

(a) that on the 10th day of September, 1941 he has in his possession or under his control any apparatus to which this Order applies; or

(b) that, not having had any such apparatus in his possession or under his control on the said day, there comes into his possession or under his control after the said day, any such apparatus :

shall forthwith report that fact to the District Magistrate or in a Presidency Town to the Commissioner of Police.

*[Gazette of India, 1941, Extraordinary, p. 564.]*

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*[Orders under Rule 45 (1), Defence of India Rules.]*

*D. C. Dept., No. 407-O. R./40, dated the 15th April, 1940.—Whereas the Central Government considers it expedient in the interests of the defence of British*

[*Orders under Rule 45 (1), Defence of India Rules.*]

India to impose restrictions on photography in relation to the Madras Harbour area :

Now, therefore, in pursuance of sub-rule (1) of rule 45 of the Defence of India Rules, the Central Government is pleased—

- (a) to notify, for the purposes of the said rule, the Madras Harbour area, namely the area bounded on the *east* by the Bay of Bengal, on the *north* and *west* by the Harbour boundary wall, and on the *south* by the wall from number six gate to the sea, and
- (b) to authorise the Chairman of the Madras Port Trust to grant written permits under the said sub-rule on behalf of the Central Government.

[*Gazette of India*, 1940, Pt. I, p. 581.]

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*E. A. Dept., No. 11-W., dated the 22nd April, 1941.*—Whereas it appears to the Central Government to be expedient in the interests of the defence of India to impose a general control over photography in the area specified in the first column of the Schedule hereto annexed :

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 45 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to direct that on and after the day specified in the second column of the said Schedule, no person shall, except in accordance with the terms of a permit granted to him by one or other of the authorities specified in the third column of the said Schedule—

- (1) be in possession of a camera or any material for making a sketch, plan, model or other representation in the said area other than a camera carried enclosed in a box or case which bears intact a seal affixed by the Superintendent of Police, Kohat, or the Political Agent, Kurram, or any other officer appointed by either of them for the purpose ;

*Part VI.—Rules and Orders under the Defence of 179  
India Act, 1939.*

*[Orders under Rule 45 (1), Defence of India Rules.]*

(2) make any photograph, sketch, plan, model  
or other representation in the said area.

*Schedule.*

Description of area.	Date of commencement of restrictions.	Authority to grant permits.
The Kurram Agency and that portion of the tribal areas of the North-West Frontier which lies to the West of the Kurram river and is under the political control of the Deputy Commissioner, Kohat.	22nd April 1941.	<ol style="list-style-type: none"> <li>1. Political Agent, Kurram.</li> <li>2. Deputy Commissioner, Kohat.</li> <li>3. Brigade Commander, Thal.</li> </ol>

*[Gazette of India, 1941, Pt. I, p. 597.]*

*D. C. Dept., No. 785-O. R./41, dated the 3rd May, 1941.*—Whereas it appears to the Central Government to be expedient in the interest of the defence of India to impose a general control over photography in the area specified in the first column of the Schedule hereto annexed :

Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 45 of the Defence of India Rules, the Central Government is pleased to direct that on and after the day specified in the second column of the said Schedule, no person shall, except in accordance with the terms of a permit granted to him by one or other of the authorities specified in the third column of the said Schedules—

- (1) be in possession of a camera or of any material for making a sketch, plan, model or other representation in the said area, other than a camera carried enclosed in a box or case which bears intact a seal affixed by the Superintendent of Police, Kohat, or the Political Agent, Kurram, or any other officer appointed by either of them for the purpose; or

[Orders under Rule 45 (1), Defence of India Rules.]

(2) make any photograph, sketch, plan, model or other representation in the said area.

*Schedule.*

Description of area.	Date of commencement of restrictions.	Authority to grant permits.
The Thall Railway Station and that portion of Kohat District lying to the west of a line running north and south through the Thall Railway Station.	3rd May 1941 .	1. Political Agent, Kurram. 2. Deputy Commissioner, Kohat. 3. Brigade Commander, Thall.

[*Gazette of India*, 1941, Pt. I, p. 657.]

*D. C. Dept., No. 1019-D. R./41, dated the 15th November, 1941.*—Whereas it appears to the Central Government to be expedient in the interests of the defence of British India to impose restrictions on photography in, or in the vicinity of, the Bombay Docks Area :

Now, therefore, in pursuance of sub-rule (1) of rule 45 of the Defence of India Rules, the Central Government is pleased—

(a) to notify, for the purpose of the said rule, the Bombay Docks Area, namely, the area bounded on the north by Malet Road from the sea to Frere Road including Malet Basin, on the west from Malet Road by Dockwall enclosing Bombay Port Trust premises, to Red Gate (Fort Street) and on the south-east from Red Gate, by Dockwall to Wittet Road, thence by Wittet Road, including buildings on the west side of Wittet Road, to the sea on Ballard Road, and

(b) to authorise the Commissioner of Police, Bombay, to grant written permits under the said sub-rule in respect of the said Area on behalf of the Central Government.

[*Gazette of India*, 1941, Pt. I, p. 1681.]

*Part VI.—Rules and Orders under the Defence of 181  
India Act, 1939.*

*[Orders under Rule 45 (1) and (3) and 54 (1), Defence  
of India Rules.]*

D. C. Dept., No. 721-D. R./41, dated the 17th May, 1941.—In pursuance of sub-rules (1) and (3) of rule 45 of the Defence of India Rules, the Central Government is pleased to notify the territorial waters of British India as being areas in relation to which the restriction of photography and of the making of representations appears to be expedient in the interests of the defence of British India, and to provide as follows :—

1. No person shall, except under the authority of a written permit granted by the Flag Officer Commanding, Royal Indian Navy, or a Naval Officer-in-Charge, on behalf of the Central Government,—

(a) have with him a camera, or

(b) make any photograph, sketch, plan, model or other representation of any object, while such person is on board any vessel within the territorial waters of British India :

Provided that any person taking or holding a camera on board any vessel may surrender it to the Master of the vessel,—

(i) if the vessel is proceeding to British India, before it enters territorial waters, and

(ii) if the vessel is proceeding from British India, at the time of embarkation :

and the Master of the vessel may retain the camera in his possession until the disembarkation of the owner, or, as the case may be, until the vessel leaves territorial waters.

2. No person shall publish in any manner any photograph, sketch, plan or other representation made in pursuance of a permit granted under the preceding provision, unless it has been submitted to, and approved for publication by, the authority granting the permit, and approval may be given subject to such conditions and restrictions as may be considered necessary in the interests of the defence of British India.

*[Gazette of India, 1941, Pt I. p. 726.]*

*[Orders under Rule 54 (1), Defence of India Rules.]*

Home Dept., No. 74/1/41, dated the 6th June, 1941.—In exercise of the powers conferred by sub-rule (1) of Rule 54 of the Defence of India Rules the Central Government is pleased to prohibit the carrying of

[*Orders under Rules 54 (1) and 55 (1), Defence of India Rules.*]

belchas in public places by members of the association commonly known as the Anjuman-i-Khaksaran.

[*Gazette of India*. 1941, Extraordinary, p. 331.]

[*Orders under rule 55 (1), Defence of India Rules.*]

*Labour Dept., No. M.-1262, dated the 6th June, 1940.*—In exercise of the powers conferred by sub-rule (1) of rule 55 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Petroleum Premises (Fire Protection) Order, 1940.

(2) It shall extend to all premises used for the storage of petroleum and situated :—

(a) within a radius of twenty miles from the ports of—

(i) Bombay,

(ii) Calcutta,

(iii) Madras,

(iv) Karachi;

<sup>1</sup>[(v) Cocanada,]

(b) within British Cochin;

<sup>1</sup>[(bb) within the Lakhimpur District of the Province of Assam];

(c) at or near oil wells, oil pumping stations and oil refineries in—

(i) The Punjab,

(ii) Assam,

other than premises of which the storage capacity does not exceed 5,000 gallons of petroleum in bulk and 25,000 gallons of petroleum otherwise than in bulk, or in which all petroleum is stored completely underground in such manner as may be approved by the <sup>2</sup>[Chief Inspector].

(3) The provisions of this Order shall have effect notwithstanding anything inconsistent therewith contained in the Petroleum Act, 1934 (XXX of 1934), or in the Petroleum Rules, 1937, or in any licence issued thereunder.

2. Unless there is anything repugnant in the subject or context, all words and expressions used in this

<sup>1</sup>Ins. Labour Dept. Notification No. M.-1262, dated the 19th June, 1940.

<sup>2</sup>Subs., Labour Dept., Notification No. M.-1262 dated the 28th June, 1940



*Part VI.—Rules and Orders under the Defence of 183-  
India Act, 1939.*

*[Orders under Rule 55 (1), Defence of India Rules.]*

Order and defined in the Petroleum Act, 1934 (XXX of 1934), or in the rules framed thereunder shall have the meanings so assigned to them.

3. A distance of not less than one thousand feet shall be kept clear—

- (i) between one storage tank and another ;
- (ii) between a storage tank and a storage shed, and
- (iii) between a storage tank or storage shed and any protected work :

Provided that nothing in this clause shall require alterations to be made in storage tanks, storage sheds or protected works in existence on the date of this Order.

4. (1) Every storage tank containing petroleum shall be surrounded by a separate enclosure consisting of a wall or embankment capable of preventing the escape from the enclosure of any petroleum in the form of liquid whether under the action of fire or otherwise.

(2) Every such enclosure shall be of dimensions sufficient to contain—

- (a) if the petroleum stored is dangerous petroleum, ten per cent. more than the tank is capable of containing, and
- (b) if the petroleum stored is non-dangerous petroleum, the amount the tank is capable of containing.

(3) No enclosure shall be deemed to be capable of preventing the escape of petroleum in the form of liquid under the action of fire, unless such enclosure consists of either—

- (a) an earthen embankment,
- (b) a wall of brick banked with earth on either side to its full height, or
- (c) a wall of stone or reinforced concrete.

(4) The wall of stone or reinforced concrete referred to in item (c) of sub-clause (3) shall, if the storage tank contains dangerous petroleum, be lined on the inner face with a fire and heat resisting lining not less than three inches thick and composed of foamed slag, slag or reinforced concrete blocks, fire-brick or other material approved by the Chief Inspector, and all iron and steel

[*Orders under Rule 55 (1), Defence of India Rules.*]

used in the construction of reinforced concrete shall be protected by not less than one inch of concrete.

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<sup>2</sup>[(5) All damage whether from hostile action or otherwise to an enclosure mentioned in sub-clause (1) shall be repaired without avoidable delay; and for this purpose there shall be provided for each such enclosure, either—

(a) a supply of earth or filled sand-bags so sheltered, protected and maintained to the satisfaction of an Inspector of Explosives as to be available for immediate use and sufficient to close a ten-foot breach in the enclosure wall; such earth or sand-bags together with the requisite tools and other materials being kept in the immediate vicinity of the enclosure; or

(b) an additional enclosure wall erected at a distance of not less than thirty feet on the outside of the wall mentioned in sub-clause (1) and complying in all respects with the requirements of sub-clauses (1), (2), (3) and (4).]

<sup>3</sup>[4A. (1) When in the opinion of the Conservator of the port, damage from hostile action, or otherwise, to any such enclosure as is mentioned in sub-clause (1) of clause 4, and situated in or in the vicinity of the port, would involve a risk of—

(a) escape of petroleum into any dock, harbour, or waterway, or

(b) danger to property in or in the vicinity of the port,

he shall order the holder of the licence for the storage of petroleum in the premises concerned to erect around such enclosure at a distance of not less than thirty feet a substantial wall or embankment constructed either of earth or of two layers of inter-lock sheet piling not less than five feet apart, the intervening space being filled with earth :

<sup>1</sup> Original sub-clause (5) omitted, Labour Dept. Notfn. No. M.-1262, dated the 29th August, 1940.

<sup>2</sup> Subs., Labour Dept. Notfn. No. M.-1262, dated the 24th January, 1941.

<sup>3</sup> Ins., Labour Dept. Notfn. No. M-1262, dated the 29th August, 1940.

*[Orders under Rule 55 (1), Defence of India Rules.]*

Provided that if the Conservator is of opinion that it is impracticable to erect a wall or embankment in the manner aforesaid, he shall after consulting the Chief Inspector, issue such other orders to the holder of the said licence as may be necessary for carrying out the purposes of this sub-clause ;

(2) The holder of the said licence shall comply with any order issued under sub-clause (1) within such time as is mentioned in the order.]

5. (1) Every valve or other opening for the drainage of water from the enclosure of a storage tank or storage shed shall be provided with a lock and key and shall be kept closed and locked except when it is necessary to draw off water from the enclosure.

(2) Every such valve or opening shall be so constructed and maintained as to prevent when closed the escape of any liquid from the enclosure whether under the action of fire or otherwise.

(3) At premises where there is more than one enclosure surrounding storage tanks or storage sheds an efficient tell-tale shall be maintained in the office of the responsible agent or supervisor clearly indicating the location of any unclosed valves or other openings.

6. (1) Splinter proof shelters shall be provided for all main fire equipment, personnel employed in fire-fighting and air-raid precautions duties, and pump houses.

(2) The walls and roofs of all such shelters shall be constructed of either—

(a) brick work not less than fourteen inches thick ;

(b) brick work not less than nine inches thick faced with sand-bags ;

(c) reinforced concrete not less than twelve inches thick ;

(d) sandbags or earth not less than two and a half feet thick ; or

(e) two fences of iron sheeting two feet apart, the intervening space being filled with shingle.

7. A sufficient number of trained fire-fighting staff, drilled in their duties at least once a week, shall be ready for duty by night and day in the vicinity of all premises used for the storage of petroleum.

[*Orders under Rule 55 (1), Defence of India Rules.*]

8. (1) For every thirty million gallons of petroleum stored there shall be provided the fire fighting equipment specified in the Schedule to this Order.

(2) For any quantity of storage less than thirty million gallons, the scale of equipment specified in the said Schedule may be reduced to such extent as may be approved by the Chief Inspector.

(3) All fire-fighting equipment required by this clause shall be provided with interchangeable fittings, couplings, connections, nozzles and hoses of sizes and types which shall be common to all premises within each of the areas mentioned in sub-clause (2) of clause 1.

(4) The Chief Inspector may issue such directions as he may consider necessary for the purpose of securing compliance with the provisions of sub-clause (3).

9. (1) For every thirty million gallons of petroleum stored there shall be provided a main fire pump drawing its supply from a permanent source other than the public mains, and maintaining when in use a constant flow of one thousand gallons of water a minute at a pressure of not less than one hundred pounds per square inch in the water main specified in sub-clause (2).

(2) Water from the main fire pump shall be distributed in a service fire main not less than ten inches in diameter and shall be used for fire fighting purposes only. All stand pipes and other delivery points shall be directly fed from this main.

(3) An additional supply of water, pipes and connections shall be maintained at all premises sufficient to cool effectively every storage tank on the premises without reducing the supply of water for fire fighting purposes.

10. For the purposes of clauses 6, 7, 8 and 9, all premises separated by a distance of not more than one mile from one another shall be combined and the scale of equipment and fire fighting facilities required by the said clauses shall be such as may be required by their combined storage.

11. All measures necessary for compliance <sup>1</sup>[with the provisions of this Order excepting clause 4A] shall be

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<sup>1</sup>Subs., Labour Dept. Notfn. No. M.-1262, dated the 29th August 1940.

[Orders under Rules 55 (1), and 58 (1), Defence of India  
Rules.]

completed within <sup>1</sup>[two months] from the date of this Order by the holder of the licence for the storage of petroleum in the premises concerned.

<sup>1</sup>[12. The Chief Inspector may, for special reasons,—

(i) exempt, either conditionally or unconditionally, any premises from all or any of the provisions of clauses 3 to 10;

(ii) extend in respect of any premises, either conditionally or unconditionally, the limit of time prescribed in clause 11.]

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SCHEDULE.

(See clause 8.)

1. A fixed water pump of the capacity specified in sub-clause (1) of clause 9.

2. Two power-driven trailer fire pumps capable of delivering not less than 350 gallons of water per minute.

3. Eight Pyrene Foam-Making Branch-pipes of size No. 10.

4. 4,000 feet of fire hose of a diameter of not less than  $2\frac{3}{4}$  inches.

5. 40 hose couplings.

6. Two sets of Air Foam solution injector fittings for power-driven trailer fire pumps.

7. 500 gallons of Air Foam solution suitable for use with salt water.

8. Standpipes, branch and feeder pipes, valves, floodlights and other small gear properly proportioned and designed to permit all equipment to function at full capacity.

[Gazette of India, 1940, Extraordinary, p. 219.]

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Orders under Rule 58 (1), Defence of India Rules.

Home Deptt., No. 74/3/40-Political-I., dated the 5th August, 1940.—In exercise of the powers conferred by sub-rule (1) of rule 58 of the Defence of India Rules, the Central Government is pleased to prohibit the performance within British India of any exercise, movement, evolution or drill of a military nature with or without arms or articles capable of being used as arms :

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<sup>1</sup> Substituted by Labour Dept. Notification No. M-1262, dated the 30th July, 1940.

[*Orders under Rules 58 (1), and 59 (1), Defence of India Rules.*]

Provided that the prohibition hereinbefore imposed shall not apply to the performance of any such exercise, movement, evolution or drill—

- (1) by members of His Majesty's Naval, Military or Air Forces or of an official police force or of any force constituted under any law for the time being in force in the exercise of their duty as such;
- (2) by members of the association commonly known as the Boy Scouts Association in India or of the association commonly known as the Girl Guides Association in India in their capacity as such;
- (3) within any Province by members in their capacity as such of any organisation specified in an order in writing by the Provincial Government of that Province; or
- (4) within the precincts or premises of any Government school or college, or of any school or college recognized by Government in this behalf, by persons whose participation in such exercise, movement, evolution or drill is part of the ordinary curriculum of such school or college.

[*Gazette of India, 1940, Extraordinary, p. 463.*]

*Orders under Rule 59 (1), Defence of India Rules.*

Home Deptt., No. 74/3/40-Political-II, dated the 5th August, 1940.—Whereas the Central Government is satisfied that the wearing in public of any dress resembling a uniform required to be worn by a member of His Majesty's Forces or by a member of any official police force or of any force constituted under any law for the time being in force is likely to prejudice the public safety, the maintenance of public order and the defence of British India :

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 59 of the Defence of India Rules, the Central Government is pleased to prohibit the wearing in public of any such dress by any person who is not a member of the said forces or a member of an association which has been authorised by the Central Government, as respects the whole of British India, or the Provincial Government, as respects the Province, to wear a specified uniform.

[*Gazette of India, 1940, Extraordinary, p. 463.*]

*Part VI.—Rules and Orders under the Defence of 189  
India Act, 1939.*

*Orders under Rule 60 (1), Defence of India Rules.*

*Defence Dept., No. 983, dated the 6th July, 1940.—*

In exercise of the powers conferred by sub-rule (1) of rule 60 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. (1) This Order may be called the Navigation and Anchor Lights Order, 1940.

(2) It applies to all vessels, except ships of war and hospital ships,—

(a) if registered in British India, wherever they may be, and

(b) if not registered in British India, when they are in the territorial waters of British India.

(3) It shall have effect—

(a) in areas for which Route Instructions are issued,

(b) on routes where a Convoy System is in force, and

(c) in such areas and on such routes as the Central Government, or an authority empowered in this behalf by the Central Government, may from time to time specify.

*Navigation Lights.*

2. (1) Navigation lights shall be dimmed to a visibility not exceeding two miles, except in the case of stern lights, the visibility of which shall not exceed one mile.

(2) Navigation lights shall be exhibited only—

(a) for the purpose of avoiding collision, in which case they shall be extinguished as soon as the danger of collision has passed, or

(b) when in the opinion of the master of the vessel exceptional circumstances make their use absolutely necessary.

(3) Navigation lights shall be so arranged that they can be instantly shown when required.

(4) The use of all navigation lights in an emergency shall be left to the judgment of the master of the vessel.

[*Orders under Rule 60 (1), Defence of India Rules.*]

*Masthead Steaming Lights.*

3. Masthead steaming lights shall not be used :

Provided that when the master of the vessel considers such use absolutely necessary, one such light only may be used.

*Side Lights.*

4. Oil side-lamps may be used only where electric lights are not available.

*Stern Lights.*

5. (1) Stern lights shall be exhibited only for the purpose of avoiding collision, and where electricity is available, shall be electric and controlled from the bridge.

(2) Reflectors shall be removed from the lanterns of stern lights.

(3) When a vessel in convoy is ordered to show a stern light the light shall be fitted with a shade and mounted so as to cast its light downwards on the water only.

*Anchor Lights.*

6. The visibility of anchor lights shall not exceed one mile, and all anchor lanterns shall be fitted with overhead screens so as to cut off the light at an angle of between five and ten degrees above the horizontal.

*General.*

7. Notwithstanding anything contained in this Order—

(a) the Senior Naval Officer at, or the Naval Officer in charge of, any port may give such general or special orders for the showing of such navigation, anchor or other lights in waters within the control of the port authority as he may consider necessary for the safety of shipping, and

(b) in other waters, the senior Naval Officer present on board any of His Majesty's ships or any Naval Officer authorised by the Central Government in this behalf may give such general or special orders for the showing or extinguishing of any lights as he may deem expedient.



*Part VI.—Rules and Orders under the Defence of 191  
India Act, 1939.*

*Orders under Rule 60 (1), Defence of India Rules.*

*Defence Dept., No. 984, dated the 6th July, 1940.*—  
In exercise of the powers conferred by sub-rule (1) of rule 60 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. (1) This Order may be called the Darkening of Ships Order, 1940.

(2) It applies to all vessels, except ships of war and hospital ships,—

(a) if registered in British India, wherever they may be, and

(b) if not registered in British India when they are in the territorial waters of British India.

(3) It shall have effect—

(a) in areas for which Route Instructions are issued,

(b) on routes where a Convoy System is in force, and

(c) in such areas, and on such routes, as the Central Government, or an authority empowered in this behalf by the Central Government, may from time to time specify.

2. Save with the permission of the Central Government, or of an authority empowered in this behalf by the Central Government, no lights of any description, other than such navigation and anchor lights as the Navigation and Anchor Lights Order, 1940,<sup>1</sup> may authorise to be shown and lights that are necessary for authorised signalling purposes, shall be exposed between the hours of sunset and sunrise so as to be visible out-board or to reflect upwards.

3. The Senior Naval Officer at, or the Naval Officer in charge of, any port may authorise any Naval Officer to board any vessel entering the port for the purpose of inspecting the means provided for complying with this Order, and the master of such vessel shall give facilities for such inspection.

[*Gazette of India, 1940, Pt. I, p. 965.*]

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<sup>1</sup> *Supra*, p. 189.

[*Orders under Rules 60 (1) and 62 (1), Defence of India Rules.*]

*Defence Dept., No. 1027, dated the 13th July, 1940.*—In exercise of the powers conferred by sub-rule (1) of rule 60 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. (1) This Order may be called the Flare-up Lights (Ships) Order, 1940.

(2) It shall apply to all vessels, except ships of war and hospital ships—

(a) if registered in British India, wherever they may be, and

(b) if not registered in British India, when they are within the territorial waters of British India.

2. The use of flare-up lights as provided for in the regulations for preventing collisions at sea, issued under the provisions of the Merchant Shipping Acts, 1894-1932, shall be discontinued except as provided hereunder.

3. This Order shall not interfere with the use of—

(i) any signal of distress commonly used by vessels at sea in accordance with the afore-said regulations, or

(ii) flares commonly exhibited by a Light Vessel when driven from her correct station, or

(iii) flares commonly exhibited by a Light Vessel for the purpose of attracting the attention of passing vessels, when necessary, with a view to avoiding risk of collision with the Light Vessel.

[*Gazette of India, 1940, Pt. I, p. 1004.*]

*Orders under Rule 62 (1), Defence of India Rules.*

*Defence Dept., No. 1169, dated the 10th August, 1940.*—In exercise of the powers conferred by sub-rule (1) of rule 62 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. This Order may be called the Wireless Operators and Watches (Merchant Ships) Order, 1940.

2. Every ship registered in British India to which the Indian Merchant Shipping (Wireless Telegraphy) Rules, 1934, apply, not being a ship of war, shall be

*[Orders under Rule 62 (1), Defence of India Rules.]*

provided with not less than two <sup>1</sup>[or three operators as may be] so required by the Flag Officer Commanding, Royal Indian Navy, or a Naval Officer-in-Charge :

Provided that if the hours at sea of the ship do not exceed eight, it shall not be required to be so provided.

3. Every such ship as aforesaid shall, when at sea, maintain such wireless watches as may be ordered by the Flag Officer Commanding, Royal Indian Navy, or a Naval Officer-in-Charge and in the absence of other instructions from such authority shall, when at sea, maintain wireless watches as follows :—

(a) When three or more operators are carried, a continuous watch.

(b) When two operators are carried, then (i) if the hours at sea do not exceed 48, a continuous watch : and (ii) if the hours at sea exceed 48, for not less than sixteen hours a day, including the times specified in the last column of the Schedule to this Order.

(c) When one operator only is available, then for not less than eight hours a day, including the times specified in the penultimate column of the Schedule to this Order, provided that, if the hours at sea do not exceed eight, wireless watch shall be kept during the whole time that the ship is at sea.

4. Wireless watches in accordance with this Order shall be maintained by an operator, notwithstanding that the ship may be provided with an auto alarm or similar device.

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<sup>1</sup>Substituted by Defence Dept. notification No. 439, dated the 22nd March, 1941.

[*Orders under Rule 62 (1), Defence of India Rules.*]

## SCHEDULE.

*Times of Watch.*

Area of Zones.	Zone Limits.	Hours of Watch, G. M. T.		Operator. Operators.
		1	2	
A				
Eastern Atlantic Ocean, Mediterranean, North Sea, Baltic.	Meridian of 30° W. Coast of Greenland.	Meridian of 30° E. to the South of the Coast of Africa, Eastern Limits of the Mediterranean, of the Black Sea and of the Baltic, 30° E. to the North of Norway.	08—10	00—06
			12—14	08—14
			16—18	16—18
			20—22	20—22
B				
Western Indian Ocean, Eastern Arctic Sea.	Eastern Limit of Zone A	Meridian of 80° E. West Coast of Ceylon to Adam's Bridge, thence Westward round the Coast of India.	04—06	00—02
			08—10	04—10
			12—14	12—14
			16—18	16—18
C				
Eastern Indian Ocean, China Sea, Western Pacific Ocean.	Eastern Limit of Zone B	Meridian of 160° E.	00—02	00—06
			04—06	08—10
			08—10	12—14
			12—14	16—22

[Orders under Rule 62 (1), Defence of India Rules.]

D	Central Pacific Ocean	. . . Eastern Limit of Zone C . . .	Meridian of 140° W. . . .	00—02	00—02
				04—06	04—06
				08—10	08—10
				20—22	20—24
E	Eastern Pacific Ocean . . .	. . . Eastern Limit of Zone D . . .	Meridian of 90° W., as far as the Coast of Central America, then the West Coast of Central America and North America.	00—02	00—02
				04—06	04—06
				16—18	08—14
				20—22	16—22
F	Western Atlantic Ocean and Gulf of Mexico.	. . . Meridian of 90° W., Gulf of Mexico, East Coast of North America.	Meridian of 30° W., coast of Greenland.	00—02	00—02
				12—14	04—10
				16—18	12—18
				20—22	20—22

*Gazette of India*, 1940, Pt. I, p. 1173.

[Orders under Rules 62A (1) and 62B, Defence of India: Rules.]

*Defence Dept., No. 1353, dated the 23rd August, 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 62A of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called "The Merchant Ships-  
(Fire Fighting) Order, 1941".

2. Directions under this Order may be given by the Flag Officer Commanding, Royal Indian Navy, or by the Naval Officer-in-Charge of a port in British India, or by any officer authorised in writing by any of the aforementioned authorities.

3. Subject to any directions that may be given by any of the authorities named in the preceding paragraph, there shall be kept on board every ship while in port in British India such members of the crew or, when articles have been closed, such a number of men as shall be necessary to man the fire-fighting appliances of the ship.

[*Gazette of India*, 1941, Pt. I, p. 1198.]

*Orders under Rule 62B, Defence of India Rules.*

*Commerce Dept., No. 42-M. I. (6)/41, dated the 29th November, 1941.*—In exercise of the powers conferred by rule 62B of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Loading of Ships Order, 1941.

2. In this Order—

(a) "assigning authority", "superstructure" and "superstructure deck" have the same meanings as in the load-line rules;

I\* \* \* \*

(c) "load-line rules" means the Indian Merchant Shipping (Load Line) Rules, 1934;

(d) "shelter deck ship" means a ship which has, or has at any time had, a superstructure constituting the uppermost complete deck of the ship with one or more middle line openings in the superstructure deck not provided with permanent means of closing;

<sup>1</sup>Para. (b) omitted by Commerce Dept. notification No. 42-M. I. (6)/41, dated the 20th December, 1941.

*Part VI.—Rules and Orders under the Defence of 197  
India Act, 1939.*

*(Orders under Rule 62B, Defence of India Rules.)*

(e) "timber deck cargo" has the same meaning as in the Indian Merchant Shipping (Timber Cargo) Rules, 1934.

3. Sub-rule (2) of rule 62B (hereinafter referred to as the said rule) of the Defence of India Rules shall not apply to—

(b) Shelter deck ships;

(c) Ships designed to be constructed as shelter deck ships and completed after the 3rd September, 1939, which upon such completion would be shelter deck ships if provided with one or more middle line openings in the superstructure deck without permanent means of closing.

4. Sub-rule (2) of the said rule shall apply subject to the restriction that the provisions thereof shall have no effect in the following cases—

(a) When the ship is within the area described in the second column of the second part of the Third Schedule to the load-line rules, opposite the number 1 in the first column thereof, during the period from the 16th September to the 15th October inclusive of both dates;

(b) If the ship is marked with Timber load-lines in accordance with the load-line rules; when such ship is carrying a timber deck cargo in accordance with the provisions of the Indian Merchant Shipping (Timber Cargo) Rules, 1934;

(c) If the ship is 330 feet in length or under when such ship is within either of the areas described in the second column of the second part of the Third Schedule to the load-line rules, opposite numbers 1 and 2 in the first column thereof.

5. Every endorsement of the load-line certificate of a ship to which sub-rule (2) of the said rule applies shall be in the form set out in the Schedule to this Order.

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<sup>1</sup> Para. (a) omitted by Commerce Dept. notification No. 42-M.F. (6)/41, dated the 20th December, 1941.

*(Orders under Rule 62B, Defence of India Rules.)*

6. Subject to the provisions of this paragraph every application for endorsement of a ship's load-line certificate shall be made to an assigning authority in due time to secure its receipt by that authority within fourteen days from the date of this Order, or, if no load-line certificate has been issued in respect of the ship, within fourteen days of the date on which such a certificate is issued. Where an owner resides outside India, the additional time taken for any postal communications to arrive from the country in which such owner is residing shall not be taken as included in the time prescribed in this paragraph.

#### SCHEDULE.

*(See paragraph 5.)*

*Form of endorsement on load-line certificate prescribed by the Central Government under sub-rule (4) of rule 62B of the Defence of India Rules.*

Ship's name ..... Official No.....

Port of Registry.....

This endorsement is to certify that,\* ..... being satisfied that this ship, if loaded in accordance with sub-section (1) of section 221 of the Indian Merchant Shipping Act, 1923, as amended by sub-rule (2) of rule 62B of the Defence of India Rules, will not be an unsafe ship, sub-rule (2) of the said rule applies to this ship subject to the restrictions hereinafter specified and accordingly, subject to the said restrictions, the appropriate load-lines for the purposes of sub-section (1) of the said section 221, will be the following :—

(a) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the summer load-line prescribed by the said rules, the tropical load-line so prescribed ;

(b) Where the ship is entitled under the said rules to be loaded to the depth indicated by the tropical load-line prescribed by the said rules, the tropical fresh water load-line so prescribed.

#### *Restrictions.*

This endorsement shall have no effect when the ship is :

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\* Insert name of Assigning Authority.



(Orders under Rule 62B, Defence of India Rules.)

† Within the following area during the period from the 16th September to the 15th October, inclusive of both dates :—

Area 1.—The area within and to the northwards of the following line :—

A line drawn south from the coast of Greenland at long. 50°W. to lat. 45°N. thence along the parallel of 45°N. to long. 15°W. thence North at lat. 60°N. thence along the parallel of 60°N. to the west coast of Norway, Bergen being considered as being on the boundary between this area and the area immediately to the southward.

‡ Carrying a timber deck cargo in accordance with the provisions of the Indian Merchant Shipping (Timber Cargo) Rules, 1934.

§ Within either of the following areas :—

(a) Area 1.—The area within and to the northwards of the following line :—

A line drawn south from the coast of Greenland at long. 50°W. to lat. 45°N. thence along the parallel of 45°N. to long. 15°W. thence north at lat. 60°N. thence along the parallel of 60°N. to the west coast of Norway, Bergen being considered as being on the boundary between this area and area 2 below.

(b) Area 2.—The area north of a line drawn from the east coast of America along the parallel of 36°N. to Tarifa in Spain excluding area 1 above but including the Baltic Sea.

Signed at.....on the..... day of ..... 194 .

Signature and description.

Notes to assigning authorities.

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† Applicable in all cases except where the ship is 330 feet in length or under in which case this paragraph should be deleted.

‡ Applicable only in the case of ships marked with Timber load lines. This paragraph is to be deleted in other cases.

§ Applicable only in the case of ships 330 ft. in length or under. This paragraph is to be deleted in other cases.

*Orders under Rule 65 (1), Defence of India Rules.*

*Commerce Dept., No. 160-M. I.-W. (3)/1/40, dated the 19th September, 1940.*—Whereas it appears to the Central Government to be expedient so to do, with a view to securing that certain vessels registered in British India are used in such manner only as the Central Government consider expedient in the interests of the efficient prosecution of the war, and for the maintenance of supplies and services essential to the life of the community :

Now therefore, in exercise of the powers conferred by sub-rule (1) of rule 65 of the Defence of India Rules, the Central Government is pleased to direct that—

<sup>1</sup>[no vessel registered in British India under the Merchant Shipping Act, 1894, which, prior to the 1st June, 1940, was generally employed in trading between ports on the continent of India, or between the continent of India and any port or place in Burma or in the Island of Ceylon or on the Red Sea, and which is intended to be employed in trading between ports or places different from those between which it was employed in trading prior to the said date,]

shall proceed to sea from any port whether within or outside British India, except under the authority, of a licence granted by the Central Government; and a licence granted in respect of any vessel under the provisions of this Order may be granted subject to such limitations and conditions as the Central Government thinks fit to impose with respect to—

- (i) the trades in which the vessel may be engaged and the voyages which may be undertaken by the vessel;
- (ii) the class of cargoes, or passengers which may be carried in the vessel;
- (iii) the hiring of the vessel and the terms upon which cargoes or passengers may be carried in the vessel :

and any vessel in respect of which a licence granted under the provisions of this Order is in force shall comply with any directions given on behalf of the Central Government as to the ports to which and the routes by which the vessel is to proceed for any particular purposes.

[*Gazette of India*, 1940, Pt. I, p. 1351.]

<sup>1</sup>Substituted by Commerce Dept. notification No. 160-M. I. W.(3)/40, dated the 8th February, 1941.

*[Orders under Rules 67A (2) and 74 (1), Defence of India Rules.]*

Commerce Dept., No. 132-M. I. W. (8)/41, dated the 11th October, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 67A of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. (1) This Order may be called the Use and Hire of Foreign Ships (Control) Order, 1941.

(2) It applies to every foreign ship having a gross tonnage of 1,600 tons or more, other than a ship—

(i) which is for the time being at the disposal of, or under charter to or for, His Majesty, or

(ii) in respect of which there is for the time being in force a licence granted in pursuance of an Order made under rule 65 of the Defence of India Rules.

2. No person shall, except with the previous consent in writing of the Central Government or of an authority authorised in this behalf by the Central Government and in compliance with such conditions as the said Government or authority may think fit to impose, enter into or offer to enter into any agreement for the use or hire of any ship to which this Order applies or for the carriage of goods in any such ship.

*[Gazette of India, 1941, Pt. I, p. 1459.]*

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*Orders under Rule 74 (1), Defence of India Rules.*

Defence Co-ordination Dept., No. 81-O. R./39, dated the 23rd September, 1939.—In pursuance of sub-rule (1) of rule 74 of the Defence of India Rules, the Central Government is pleased to authorise the following persons to exercise the powers conferred by the said sub-rule, namely :—

1. Director of Civil Aviation in India.

2. Deputy Director of Civil Aviation in India.

3. Chief Aerodrome Officer.

4. Chief Inspector of Aircraft.

5. Officers in charge of Aerodromes

6. Any Commissioned Officer of His Majesty's Air Forces in India.

7. District Magistrates.

[*Orders under Rules 74 (1) and 81, Defence of India Rules.*]

8. District Superintendents or Superintendents of Police.

<sup>1</sup>[9. Commissioner and Deputy Commissioners of Police, Calcutta.]

[*Gazette of India*, 1939, Extraordinary, p. 367.]

*Orders under Rule 81, Defence of India Rules.*

Commerce Deptt., No. P.R.-8/41, dated the 1st August, 1941.—In exercise of the powers conferred by Rule 81 of the Defence of India Rules, 1939, the Central Government is pleased to make the following Order :—

MOTOR SPIRIT RATIONING ORDER, 1941.

1. *Short title.*—(i) This order may be called the Motor Spirit Rationing Order, 1941.

(ii) It extends to the whole of British India.

(iii) It shall come into force on the fifteenth day of August, 1941, except clauses 2, 8, 9, 10, 11, 12, 15, 16, 17, 20 and 21 and the first and second schedules which shall come into force at once.

2. *Interpretation.*—In this order, unless there is anything repugnant in the subject or context,—

(a) “Area Rationing Authority” means an Area Rationing Authority appointed under clause 21 <sup>2</sup>[and includes a Provincial Rationing Authority when exercising the functions of an Area Rationing Authority in pursuance of an authorisation under clause 21A];

(b) “clause” means a clause of this Order;

(c) “coupon” means a coupon issued by an Area Rationing Authority authorising the supply of a unit or fraction of a unit or number of units of motor spirit, and “special coupon”, “ordinary coupon” and “supplementary coupon” mean, respectively, a coupon which is so described in clause 9;

(d) “dealer” means a supplier carrying on the business of supplying motor spirit as a retail business, and includes a person having charge of a supply of motor spirit controlled by Government from which any person is furnished with motor spirit for private use;

<sup>1</sup>Added by D. C. Dept. notification. No. 811-OR/39, dated the 4th November, 1939.

<sup>2</sup>Added Commerce Dept. notification. No. P. R. 79(1)/41, dated the 15th September, 1941.

*(Orders under Rule 81, Defence of India Rules.)*

- (e) "licence" means a licence granted by the Director of Civil Aviation or the Provincial Rationing Authority, as the case may be, authorising the supply of motor spirit under clause 6 ;
- (f) "motor spirit" means any liquid hydro-carbon or admixture of liquid hydro-carbon with any other liquid, having a <sup>1</sup>[flashing point (as defined in Section 2 of the Petroleum Act, 1934)] below 76°F and capable of providing motive power to any form of internal combustion engine ;
- (g) "motor vehicle" means any mechanically propelled vehicle constructed or adapted for use on roads ;
- (h) "producer" means a person who produces motor spirit ; and includes a person who by mixing motor spirit (whether produced by himself or not) with power alcohol or other substance not included in the definition of motor spirit produces a mixture which itself falls within the definition of motor spirit.
- (i) "Provincial Rationing Authority" means the Provincial Rationing Authority appointed under clause 20 ;
- (j) "quarter" means a period of three months ending on 31st January, 30th April, 31st July or 31st October ;
- (k) "receipt" means the receipt referred to in clause 6 which the holder of a licence is required to surrender when supplied with motor spirit by a supplier <sup>2</sup>\* \* ;
- (l) "special receipt" means the special receipt issued under clause 8 for use in acquiring motor spirit under clause 3 ;
- (m) "supplier" means a person carrying on the business of supplying motor spirit ;
- (n) "unit" means one gallon of motor spirit, or such other quantity of motor spirit as the Central Government may by notification in the official Gazette from time to time direct ;
- (o) a coupon is said to be "valid" when it authorises the supply at the time at which such

<sup>1</sup> Subs., Commerce Dept. Notfn. No. P. R. 69(1)/41, dated the 11th October, 1941.

<sup>2</sup> Words omitted, Commerce Dept. Notfn. No. P. R. 52(1)/41, dated the 30th August, 1941.

(Orders under Rule 81, Defence of India Rules.)

supply is furnished of a quantity of motor spirit not less than the quantity supplied and except in the case of special coupons has upon it or attached to it with the authority of the Area Rationing Authority a number or description applicable to the vehicle or class of vehicles to which the supply is furnished ;

(p) "vehicle" means a motor vehicle or a motor boat.

*Methods of obtaining Supplies of Motor Spirit.*

3. *Supply of motor spirit for defence and internal security purposes.*—Motor spirit required for aircraft, vehicles or machinery employed by the Central or a Provincial Government in or in the maintenance of His Majesty's Forces or for defence or internal security purposes, or required by railway administrations for purposes other than the supply to the public of facilities for the carriage of goods or passengers <sup>1</sup>[or required for the maintenance or protection of civil aerodromes], when not obtained from stocks under the direct control of the Government concerned, shall be furnished or acquired **only** against the surrender to a supplier at the time of supply of special receipts.

4. *Supply of motor spirit for administrative purposes.*—Motor spirit required for—

- (a) vehicles not covered by clause 3 employed by the Central or a Provincial Government for any administrative purpose other than public transport,
- (b) vehicles employed by local authorities for any administrative purpose other than public transport,
- (c) vehicles used as ambulances, travelling dispensaries or school buses, shall be furnished or acquired only against the surrender to a supplier at the time of supply of valid special coupons or of valid supplementary coupons and only in accordance with any conditions or instructions appearing on or attached to such coupons.

5. *Supply of motor spirit for vehicles not covered by clauses 3 and 4.*—Motor spirit required for any vehicle not covered by clause 3 or clause 4 shall be furnished or acquired only against the surrender to a supplier at the

<sup>1</sup> Ins., Commerce Dept. Notfn. No. 110/41, dated the 4th October 1941.

*(Orders under Rule 81, Defence of India Rules.)*

time of supply of valid ordinary coupons or of valid supplementary coupons, and only in accordance with any conditions or instructions appearing on or attached to such coupons.

6. *Supply of motor spirit for purposes not covered by clauses 3, 4, 5.*—Motor spirit required for any purpose not covered by clause 3, clause 4 or clause 5 shall be furnished or acquired only under the authority of and in accordance with the conditions contained in or attached to a licence in Form F as set out in the First Schedule, and only against the surrender to a supplier at the time of supply of a receipt in Form B, as set out in the First Schedule for the quantity supplied.

7. *Coupons and licences effective throughout British India.*—Unless it is otherwise provided by a condition or instruction appearing on or attached to a coupon or contained in or attached to a licence, a coupon or licence wherever issued may be used anywhere within British India.

*Special Receipts, Coupons and Licences for the Supply of Motor Spirit.*

8. *Issue of special receipts.*—The Central or a Provincial Government, or any authority authorised in this behalf by the Central or a Provincial Government, may issue to such persons and for such purposes as it thinks fit special receipts in Form A as set out in the First Schedule for use in acquiring supplies of motor spirit under clause 3.

9. *Classes of coupons and particulars attached thereto.*—(1) There shall be three classes of coupons, special, ordinary and supplementary.

(2) A special coupon shall have attached to it the name of the person to whom it is issued and shall be valid only to authorise the supply of motor spirit to or on behalf of that person.

(3) An ordinary coupon shall have attached to it the name of the person to whom it is issued and the registration or other identifying mark of the vehicle in respect of which it is issued or, where issued in respect of a service of stage carriages covered by a permit issued under section 48 of the Motor Vehicles Act, 1939, the number of that permit; and the coupon shall, save as provided in clause 13 or in sub-clause (d) of clause 26 be valid only to authorise the supply of motor spirit to or on behalf of that person and in respect of that vehicle or a vehicle included in the service of stage carriages covered by that permit.

*(Orders under Rule 81, Defence of India Rules.)*

(4) A supplementary coupon authorising the supply to a person of motor spirit in excess of the quantity covered by special coupons or ordinary coupons already issued to him shall have attached to it the same particulars and shall be valid only in the same manner and subject to the same limitations as the special or ordinary coupon which it is issued to supplement.

<sup>1</sup>[(4-A) Notwithstanding anything contained in sub-clauses (3) and (4), where the Provincial Rationing Authority is satisfied that any person to whom ordinary or supplementary coupons have been issued, may require a supply of motor spirit for use in the performance of essential professional, business or official duties in a place other than that in which he ordinarily resides, the Provincial Rationing Authority may, by a certificate in Form N, validate the coupons to authorise the supply in any such other place of motor spirit to such person for use in a vehicle other than that in respect of which the coupons were issued.]

(5) All coupons shall have attached to them a statement that they authorise the supply of motor spirit during a named month or months, and shall be valid only if presented within that month or those months. In the case of a supplementary coupon one month only shall be named. In the case of a special or ordinary coupon the months named shall be successive, and shall be months included within a single quarter.

(6) All coupons shall contain expressed in units the amount of motor spirit for the supply of which the coupon is an authority.

(7) Coupons shall be issued in books on the cover of which shall be entered the details required by this clause to be attached to all coupons, and shall not be valid unless presented in and not detached from the book.

10. *Method of obtaining coupons.*—(1) Any person wishing to obtain coupons authorising the supply of motor spirit for a vehicle or vehicles, shall make an application in Form G, H, I, J, K or L, as set out in the First Schedule as the case may require, to the Area Rationing Authority having jurisdiction in respect of the vehicle or vehicles in connection with which the coupons are required. The application shall give full particulars of the vehicle or vehicles or service of stage carriages for which the motor spirit is required.

(2) An Area Rationing Authority may, before sanctioning the issue of any coupons in connection with any

<sup>2</sup> Ins., Commerce Dept. Notfn. No. P. R. 78(1)/41, dated the 27th September, 1941.



(Orders under Rule 81, Defence of India Rules.)

vehicle, require to be satisfied by the applicant that in the case of a motor vehicle it is registered under the Motor Vehicles Act, 1939, or in the case of a motor boat that it has where necessary a certificate of survey under the Inland Steam Vessels Act, 1917, or the corresponding law in force in the Province of Madras, and that all taxes due in respect of the vehicle at the beginning of the period during which the coupons authorise supply, have been paid.

(3) The authority by which any coupons are issued in connection with a vehicle shall cause the fact of such issue and the date thereof to be entered on the *certificate of registration* of the vehicle when the vehicle is not a stage carriage or on part A of the *permit* issued under the Motor Vehicles Act, 1939, in connection with the vehicle when the vehicle is a *stage carriage*.

<sup>1</sup>[10-A. *Special provision for defence, internal security or other emergent purposes.*—

(1) Notwithstanding anything contained in clause 10, the Central Government, or any authority authorised in this behalf by the Central Government, may issue to any person supplementary coupons sufficient to enable him to carry out any such defence or internal security or other emergent purposes as the said Government or authority, as the case may be, may consider necessary.

(2) A person obtaining a supply of motor spirit under this clause shall be responsible for the custody of supplementary coupons issued to him, and shall, on the completion of the purpose for which the coupons were issued or, where the purpose is a continuing one, at the end of each month, report to the Central Government or issuing authority; as the case may be, the number of units for which coupons have been surrendered by him.]

11. *Special provision for Civil and Military officers.*—

(1) Notwithstanding anything contained in clause 10, the Provincial Government may direct an Area Rationing Authority to issue, to any civil or military officer nominated by the Provincial Government supplementary coupons sufficient to ensure a supply to him of motor spirit adequate for the performance of his official duties

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<sup>1</sup> Ins., Commerce Dept. Notfn. No. P. R. 52 (1)/41, dated the 30th August, 1941.

*(Orders under Rule 81, Defence of India Rules.)*

(2) An officer obtaining a supply of motor spirit under this clause shall be responsible for the custody of supplementary coupons issued to him, and shall report at the end of each month to the Area Rationing Authority the number of units for which coupons have been surrendered by him.

12. *Power to attach conditions or instructions to coupons.*—An Area Rationing Authority may when issuing coupons to any person attach conditions or instructions thereto or may communicate in writing to such person the conditions or instructions governing the use of the coupons.

13. *Transfer of ordinary coupons.*—A person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, or who is the owner of a motor boat may, if he transfers the vehicle to another person, transfer to that other person ordinary coupons issued to him in connection with the vehicle, and any ordinary coupon so transferred shall be valid in the hands of that other person in respect of the transferred vehicle as it was valid in the hands of the transferor.

14. *Coupons which are no longer valid to be delivered up.*—A person to whom coupons have been issued, or to whom coupons have been transferred under clause 13, shall, within seven days, deliver up at the office or place from which the coupons were obtained all coupons which have not been surrendered by him to a supplier upon the supply of motor spirit, if—

(a) the period during which the coupons authorised the supply of motor spirit has expired,  
or

(b) the use of the vehicle in respect of which the coupons were issued has, by reason of failure to comply with any conditions imposed by law on its use, become unlawful,  
or

(c) the purpose for which the coupons were issued has ceased to apply.

15. *Method of obtaining licences.*—Any person wishing to obtain a licence shall make an application in Form M as set out in the First Schedule to the Director of Civil Aviation if the motor spirit is required for use in an aircraft and to the Provincial Rationing Authority in all other cases. The application shall give full particulars of the purpose or purposes for which the motor spirit is required.

*(Orders under Rule 81, Defence of India Rules.)*

16. *Particulars to be expressed in licence.*—(1) Every licence shall state the person to whom and the object for which it authorises the supply of motor spirit, the period for which the licence remains valid, and the amount of motor spirit of which it authorises the supply either—

(a) during the whole period of the validity of the licence, or

(b) during stated periods within that period of validity,

or both such amounts.

(2) A licence shall ordinarily be expressed as being valid for one year, but the Director of Civil Aviation or the Provincial Rationing Authority, as the case may be, may issue licences having validity for any shorter period.

17. *Conditions implicit in or attached to licence.*—(1) Every licence shall be deemed to be granted subject to the condition that a supplier <sup>1\*</sup> \* \* \* furnishing motor spirit on the authority of the licence shall endorse on the licence the quantity furnished on each occasion, and that the holder of the licence shall give the supplier <sup>1\*</sup> \* \* \* a receipt for the quantity supplied.

(2) The Director of Civil Aviation or the Provincial Rationing Authority, as the case may be, when granting a licence may attach to it such conditions as he or it thinks fit, and the holder of the licence shall comply with any conditions contained in or attached to the licence.

18. *Power to rescind, vary or amend licences.*—The Director of Civil Aviation or the Provincial Rationing Authority, as the case may be, may at any time rescind, vary or amend any licence.

19. *Licence which is no longer valid, to be delivered up.*—When a licence is rescinded, or otherwise ceases to be valid, the holder shall forthwith deliver up the licence to the Director of Civil Aviation or the Provincial Rationing Authority, as the case may be.

*Appointment and functions of Rationing Authorities.*

20. *Provincial Rationing Authority.*—(1) The Central Government shall have power to give directions to a Provincial Government as to the extent to which the consumption of motor spirit in the Province shall be reduced and as to the manner in which the provisions of this Order shall be carried out.

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<sup>1</sup> Words omitted, Commerce Dept. Notfn. No. P. R. 52 (1)/41, dated the 30th August, 1941.

(Orders under Rule 81, Defence of India Rules.)

(2) The Provincial Government shall appoint a Provincial Rationing Authority having jurisdiction throughout the Province.

(3) The Provincial Rationing Authority shall, subject to the direction and control of the Provincial Government, exercise general control over the working of the system of rationing motor spirit established by this Order.

(4) The Provincial Rationing Authority may issue instructions to all or any Area Rationing Authorities as to the extent to which in issuing coupons for the supply of motor spirit to any person for any purpose the Area Rationing Authority shall aim at effecting a reduction of the amount of motor spirit consumed in normal conditions by that person for that purpose.

(5) The Provincial Rationing Authority shall have power to revise any decision or order made by an Area Rationing Authority.

(6) The Director of Civil Aviation or the Provincial Rationing Authority, as the case may be, shall decide the amount of motor spirit for which, in any case covered by clause 6, a licence may be issued, and shall issue or authorise the issue of all licences.

21. *Area Rationing Authorities.*—(1) The Provincial Government may appoint such Area Rationing Authorities, as it thinks fit, having jurisdiction in such areas and in respect of such vehicles or such class or classes of vehicles as may be specified in each case by the Provincial Government.

(2) An area Rationing Authority shall, subject to any instructions issued in this behalf by the Provincial Rationing Authority and to the standards specified in the Second Schedule, decide in respect of any vehicle for the time being within its jurisdictional area the amount of motor spirit for which coupons may be granted and shall authorise the issue of all coupons.

(3) Any person dissatisfied with the decision or order of an Area Rationing Authority may apply to the Provincial Rationing Authority for revision of the decision or order. The Provincial Rationing Authority shall dispose of the application as it thinks fit, and shall not be bound to accord the applicant a hearing.

<sup>1</sup>[21-A. *Combination of functions in certain cases.*—

(1) Notwithstanding anything contained in sub-clause (1)

<sup>1</sup> Ins., Commerce Dept. Notfn. No. P. R. 79 (1)/41, dated the 15th September, 1941..

(Orders under Rule 81, Defence of India Rules.)

of clause 21, <sup>1</sup>[the Provincial Government with the previous approval of the Central Government] may, by notification in the official Gazette, authorise the Provincial Rationing Authority <sup>1</sup>\* \* \* to exercise all or any of the functions of an Area Rationing Authority under this Order in respect of such classes of vehicles as may be specified in the said notification

<sup>1</sup>[(2) In respect of any decision or order made by a Provincial Rationing Authority in pursuance of an authorisation under sub-clause (1), the references to revision by the Provincial Rationing Authority in sub-clause (5) of clause 20 and sub-clause (3) of clause 21 shall be construed as references to review by that authority].

*Restrictions on supply and use of motor spirit, and dealings with receipts and coupons.*

22. *Motor spirit to be obtained only in accordance with this Order.*—No person shall furnish or acquire a supply of motor spirit otherwise than in accordance with the provisions contained in this Order.

23. *Motor spirit to be obtained only from supplier.*—No person other than a supplier shall furnish, and no person shall acquire otherwise than from a supplier, a supply of motor spirit.

24. *Use by producer of motor spirit for private purpose.*—Except under the authority of a licence or unless the motor spirit has been obtained upon the surrender of coupons, no producer shall use or permit the use of motor spirit produced by him for the purpose of supplying motive power to a motor vehicle registered in his name under the Motor Vehicles Act, 1939, or to any aircraft or motor boat owned by him.

25. *Economy in consumption of motor spirit.*—No person shall use or permit the use of motor spirit save in such manner as will effect all reasonable economy in its consumption and will prevent any waste thereof.

26. *Use of motor spirit for a purpose other than that authorised.*—No person shall use or permit the use of motor spirit acquired by him against the surrender of special receipts or coupons or under the authority of a licence—

- (a) for a purpose other than that to which the special receipts, coupons or licence relates..  
or for a purpose other than that for which

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<sup>1</sup> Subs., and words omitted, Commerce Dept. Notfn. No. 79 (3)/41 dated the 19th September, 1941.

(Orders under Rule 81, Defence of India Rules.)

the special receipts were issued to him or than that which was specified in any application in response to which the coupons were issued or the licence was granted, or

- (b) save in accordance with any conditions or instructions appearing on or attached to the coupons or otherwise communicated in writing to the person to whom the coupons were issued, or
- (c) for any particular purpose where a supply has been made for more than one purpose, of a quantity thereof which exceeds the quantity acquired by him for that particular purpose, or
- (d) in a case in which the coupons have been issued in respect of a particular vehicle, in any other vehicle except a vehicle of the same class owned by the person to whom the coupons have been issued, <sup>1</sup>[or except under a certificate issued under sub-clause (4A) of clause 9], or
- (e) in a case in which the coupons have been issued in respect of a class of vehicle, in any other class of vehicle.

27. *Receipts and coupons to be surrendered only at time of supply of motor spirit.*—No person shall surrender to a supplier and no supplier shall accept special receipts or coupons or receipts at a time other than the time at which the supply of motor spirit authorised by the special receipts or coupons or acknowledged by the receipts is furnished.

28. *Use of coupons for purpose other than that authorised.*—No person shall use or permit the use of coupons—

- (a) for a purpose other than that to which the coupons relate or other than that specified in any application in response to which the coupons were issued, or
- (b) save in accordance with any conditions or instructions appearing on or attached to the coupons or otherwise communicated in writing to the person to whom the coupons were issued.

29. *Transfer of coupons.*—Save as provided in clause 13 no person shall transfer to any other person coupons issued to himself.

<sup>1</sup> Ins., Commerce Dept. Notfn. No. P. R. 78 (1)/41, dated the 27th September, 1941.

*(Orders under Rule 81, Defence of India Rules.)*

30. *Obtaining coupons while possessed of coupons.*—No person shall, while in possession of coupons obtained from an Area Rationing Authority in respect of a particular vehicle, or vehicles, obtain or attempt to obtain coupons from that or any other Area Rationing Authority in respect of the same vehicle or vehicles without disclosing full particulars of the coupons in his possession.

*Supplementary Provisions.*

31. *Preservation of special receipts, coupons and receipts.*—A supplier other than a dealer shall retain all special receipts, coupons and receipts received by him and a dealer shall retain all special receipts, coupons and receipts received by him, except such as he surrenders to a supplier when himself obtaining a stock of motor spirit until the Provincial Rationing Authority authorises their destruction.

32. *Keeping of accounts and records and furnishing returns.*—A supplier shall, if so required by a general or special direction issued by the Central Government, keep such books, accounts and records, and furnish such returns at such times and to such authorities as may be specified in the direction.

33. *Powers of supervision and inspection.*—(1) A supplier, and a person employed in connection with the business of a supplier, shall, if requested so to do by or on behalf of the Provincial Rationing Authority :—

(a) produce to any person mentioned in the request such books, accounts or other documents relating to the business (including the coupons, special receipts, receipts received by him) as may be mentioned in the request,

(b) furnish to any person mentioned in the request such estimates, returns or information relating to the business as may be mentioned in the request, and

(c) permit any person authorised by the Provincial Rationing Authority in that behalf to enter and inspect any premises used for or in connection with the business.

(2) The powers exercisable under this clause shall not be exercised except for the purpose of securing compliance with the provisions of this Order.

**THE FIRST SCHEDULE.**

**Forms.**

**FORM A.**

SPECIAL RECEIPT (*vide* CLAUSES 3 AND 8).

*Cover.*

MOTOR SPIRIT RATIONING ORDER, 1941.

Office of Issue.....Book No.....

The Receipt Forms in this book may be used only to obtain (otherwise than from stocks under the direct control of the Government concerned) a supply of motor spirit required for aircraft, vehicles, or machinery employed by the Central or a Provincial Government in or in the maintenance of His Majesty's Forces or for Defence or internal security purposes or by a railway administration for purposes other than the provision of facilities for the public carriage of goods and passengers. The book must be produced whenever motor spirit is purchased, and the receipts must be detached only at the time of purchase, and must be completed by the holder of the book.

*Signature of officer issuing the Book.....*

**RECEIPT.**

Form A.	Book No.....	Receipt No.....
	Office of issue and.....	
	Date .....	
Service Central/Provincial.....	(Description)	
Received from.....	} (Name and address of dealer or supplier).	
.....		
.....		
.....(in words and figures) gallons motor spirit.		
	Signature.....	
Date.....	Official designation.....	



Part VI.—Rules and Orders under the Defence of 217  
India Act, 1939.

(Orders under Rule 81, Defence of India Rules.)

FORM B.

RECEIPT (*vide* CLAUSE 6).

*Cover.*

MOTOR SPIRIT RATIONING ORDER, 1941.

Office of issue and .....Book No. ....

Licence Number.....

The Receipt Forms contained in this book may be used only to obtain a supply of motor spirit under the licence in respect of which the book has been issued. The book must be produced whenever motor spirit is purchased, and the receipts must be detached only at the time of purchase and must be completed by the holder of the book.

RECEIPT.

Form B.	Book No.....	Receipt No.....
Licence No.....issued by Provincial Rationing Authority/Director of Civil Aviation.....on.....		
Received from.....		} (Name and address of dealer or supplier.)
.....		
.....		
.....(in words and figures) gallons motor spirit.		
The quantity supplied has been entered in the licence.		
Signature of licensee.....		
Address .....		
Date.....		

(Orders under Rule 81, Defence of India Rules.)

### **Form C.**

**Special Coupon (vide Clauses 4 and 9)**

**Cover—Front**

<b>MOTOR SPIRIT RATIONING ORDER, 1941.</b>	
<b>Motor Spirit Ration Book. Special Coupons. Form C.</b>	
<div style="border: 1px solid black; border-radius: 50%; width: 60px; height: 60px; display: flex; align-items: center; justify-content: center; margin: 0 auto; margin-bottom: 10px;"> <div style="font-size: 24px; font-weight: bold;">24</div> </div> <p>Book No. .... Office of Issue. ....</p> <p style="text-align: right;">and date. ....</p> <p style="text-align: right; margin-top: 10px;"><b>VALID UP TO</b> .....</p> <div style="display: flex; margin-top: 20px;"> <div style="flex: 1; padding-right: 10px;"> <p>Issued to. ....</p> <p>.....</p> </div> <div style="flex: 2; border-left: 1px solid black; padding-left: 10px;"> <p>Enter name and designation of person concerned and Department or Office of Central or Provincial Government or local authority which he represents ; or name of person operating ambulance, travelling dispensary, or school bus.</p> </div> </div>	
<p>The coupons in this book may be used only to obtain a supply of motor spirit for the vehicles employed by the Government Department or Office or the local authority for which the book is issued, or for the ambulance, travelling dispensary, or school bus for which the book is issued. The book must be produced whenever motor spirit is purchased and the coupons must be detached only at the time of purchase, the particulars to be filled in thereon being completed by the dealer or supplier.</p>	

**Cover—Reverse**

<b>NOTE.</b>
<ol style="list-style-type: none"> <li>1. The issue of a ration book does not guarantee the holder any minimum quantity of motor spirit and the book may be cancelled at any time without notice.</li> <li>2. If, for any reason, the use is discontinued of the vehicle or vehicles in respect of which this book has been issued, this book must be returned to the Office of Issue together with all unused coupons.</li> <li>3. This book should also be returned to the Office of Issue if, on the expiry of its validity, there remain any unsurrendered coupons.</li> </ol>

*Part VI.—Rules and Orders under the Defence of 219  
India Act, 1939.*

*(Orders under Rule 81, Defence of India Rules.)*

**Coupon—Front**

<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>SPECIAL.</b></p> <p><b>FOUR (4) UNITS</b></p> <p>Valid up to</p> <p>.....</p>	<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>SPECIAL.</b></p> <p><b>FOUR (4) UNITS</b></p> <p>Valid up to</p> <p>.....</p>
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**Coupon—Reverse**

<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier. } .....</p> <p>Quantity supplied....gallons.</p> <p>Date.....</p>	<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier. } .....</p> <p>Quantity supplied....gallons.</p> <p>Date.....</p>
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*To be printed in denominations of 24, 40, 80 and 120 units.*

**Form D.**

**Ordinary Coupon (*vide* Clauses 5 and 9)**

**Cover—Front**

**MOTOR SPIRIT RATIONING ORDER, 1941.**

**Motor Spirit Ration Book. Ordinary Coupons. Form D.**

Book No..... Office of Issue.....

10

and date.....

VALID UP TO.....

**16—19 H P.**

Issued to.....for

Vehicle No.....

Stage carriage(s) covered by Permit No.....

Class of vehicle.....

The coupons in this book may be used only to obtain a supply of motor spirit for the vehicle whose registered number is given above or whose operation as a stage carriage is authorised by the permit number given above. The book must be produced whenever motor spirit is purchased and the coupons must be detached only at the time of purchase, the particulars to be filled in thereon being completed by the dealer or supplier.

**Cover—Reverse**

**NOTE.**

1. The issue of a ration book does not guarantee the holder any minimum quantity of motor spirit and the book may be cancelled at any time without notice.
2. If, for any reason, the use is discontinued of the vehicle or vehicles in respect of which this book has been issued, this book must be returned to the Office of Issue together with all unused coupons.
3. This book should also be returned to the Office of Issue if, on the expiry of its validity, there remain any unsurrendered coupons.

*Part VI.—Rules and Orders under the Defence of 221 .  
India Act, 1939.*

*(Orders under Rule 81. Defence of India Rules.)*

**Coupon—Front**

<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>ORDINARY.</b></p> <p><b>ONE (1) UNIT</b></p> <p>Valid up to</p> <p>.....</p>	<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>ORDINARY.</b></p> <p><b>FOUR (4) UNITS</b></p> <p>Valid up to</p> <p>.....</p>
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**Coupon—Reverse**

<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier. } .....</p> <p>Quantity supplied....gallons.</p> <p>Date.....</p>	<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier. } .....</p> <p>Quantity supplied....gallons.</p> <p>Date.....</p>
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*To be printed in denominations of 2, 3, 5, 6, 8, 9, 10, 12, 20, 30, 50  
and 100 units.*

(Orders under Rule 81, Defence of India Rules.)

**Form E.**

**Supplementary Coupon [vide Clauses 4, 5 and 9 (4)]**

**Cover—Front**

<b>MOTOR SPIRIT RATIONING ORDER, 1941.</b>	
Motor Spirit Ration Book.    Supplementary Coupons.    Form E.	
Book No. .... <div style="display: inline-block; width: 100px; height: 100px; border: 1px solid black; border-radius: 50%; text-align: center; line-height: 100px; margin-top: 20px; font-size: 2em;">8</div>	Office of Issue .....  and date .....  <b>VALID FOR</b> .....
Issued to ..... for )  Vehicle No. ....  Stage carriage(s) covered by Permit No. ....  Vehicles employed by .....  Class of vehicle .....	Enter name of Government Department or local authority or person operating ambulance, school bus, etc.
<p>The coupons in this book may be used only to obtain a supply of motor spirit for the vehicle(s) in respect of which this book is issued. The book must be produced whenever motor spirit is purchased and the coupons must be detached only at the time of purchase, the particulars to be filled in thereon being completed by the dealer or supplier.</p>	

**Cover—Reverse**

<b>NOTE.</b>
<ol style="list-style-type: none"> <li>1. The issue of a ration book does not guarantee the holder any minimum quantity of motor spirit and the book may be cancelled at any time without notice.</li> <li>2. If, for any reason, the vehicle ceases to be used or the route authorised by the permit ceases to be operated, this book must be returned to the Office of Issue together with all unused coupons.</li> <li>3. This book should also be returned to the Office of Issue if, on the expiry of its validity, there remain any unsurrendered coupons.</li> </ol>

*Part VI.—Rules and Orders under the Defence of 223:  
India Act, 1939.*

*(Orders under Rule 81, Defence of India Rules.)*

**Coupon—Front**

<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>SUPPLEMENTARY.</b></p> <p><b>TWO (2) UNITS</b></p> <p><b>VALID FOR</b></p> <p>.....</p>	<p><b>NOT TRANSFERABLE.</b></p> <p>Book No.....</p> <p><b>SUPPLEMENTARY.</b></p> <p><b>TWO (2) UNITS</b></p> <p><b>VALID FOR</b></p> <p>.....</p>
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**Coupon—Reverse**

<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier, } .....</p> <p>Quantity supplied.....gallons.</p> <p>Date.....</p>	<p>This coupon is issued subject to the conditions that this book is produced at the time of supply and that the coupon is then detached therefrom. Motor spirit must only be supplied at the time of its purchase and against the surrender at the time of coupons which are then valid.</p> <p>The following particulars are to be filled in by the dealer or supplier.</p> <p>Name and address } ..... of dealer or } ..... supplier. } .....</p> <p>Quantity supplied.....gallons.</p> <p>Date.....</p>
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*To be printed in denominations of 2, 4, 8 and 12 units.*

*(Orders under Rule 81, Defence of India Rules.)*

FORM F.

LICENCE (*vide* CLAUSE 6).

MOTOR SPIRIT RATIONING ORDER, 1941.

*Licence.*

*(in respect of motor spirit to be used otherwise than in  
motor vehicles and motor boats).*

(Name and address of licensee)

.....is hereby licensed to  
acquire motor spirit to the extent indicated in the  
schedule, and subject to the following conditions :—

(1) The motor spirit acquired under this licence shall  
be used only for ..... (purpose).

(2) Motor spirit may be acquired only from a supplier  
or dealer.

(3) When any motor spirit is acquired, this licence  
shall be produced, and the supplier or dealer shall enter  
upon the reverse thereof the quantity acquired and the  
date.

(4) The licensee shall give the supplier or dealer a  
receipt in the prescribed form for all motor spirit acquir-  
ed.

(5) The licence is not transferable.

(6) The validity of the licence expires on.....

*Provincial Rationing Authority.*  
*Director of Civil Aviation.*

SCHEDULE.

Maximum quantity of motor spirit  
to be acquired during the period  
of the validity of the licence :

Maximum quantity of motor  
spirit to be acquired in any  
month during the period of  
the validity of the licence :

.....gallons

.....gallons



*Part VI.—Rules and Orders under the Defence of India Act, 1939.*

*(Orders under Rule 81, Defence of India Rules.)*

*Form F.—Reverse.*

*Supply of Motor Spirit.*

Quantity of motor spirit supplied.	Date of supply.	Signature and address of supplier or dealer.	Quantity of motor spirit supplied.	Date of supply.	Signature and address of supplier or dealer.

FORM G.

MOTOR SPIRIT RATIONING ORDER, 1941.

*Application for special coupons [vide Clause 10 (1).]*

An application in this form should only be made when the vehicles for which motor spirit is required are—

(a) employed by the Central or a Provincial Government for any administrative purpose other than the maintenance of internal security or public transport ; or

(b) employed by local authorities for any administrative purpose other than public transport ; or

(c) used as ambulances, travelling dispensaries or school buses.

The particulars on this form should be completed and the form presented or sent to the Area Rationing Authority together with the registration certificates of the vehicles in respect of which the application is made. Special coupons will not be issued for a period longer than three months as specified below.

I hereby apply for the issue of Special Coupons in respect of the vehicle(s) particulars of which are entered on the reverse :—

- (1) Name, official designation,  
and full postal official  
address of applicant.  
(In block capitals).

- (2) Period for which required :

\*February, March,  
April 194

\*May, June, July  
194

\*August, September,  
October 194

\*November, December,  
January  
194

\*Strike out alternatives which are inapplicable.

(Orders under Rule 81, Defence of India Rules.)

- (3) The following particulars  
must be given in respect  
of all applications other  
than the first :—

(i) Date of last application.

(ii) To whom made.

(iii) Quantity of motor spirit, if any, allowed.  
.....units.

I hereby declare that the contents of this application are true and that I have made no other application for special coupons for the vehicles for the period to which this application relates. I further declare that no application has been made for ordinary coupons for the vehicles or will be as long as the supply of motor spirit to them is regulated by the issue of special coupons.

Date.....

Signature of applicant..

*Form G—Reverse.*

Registered number of vehicle.	Horse power.	Description.	Purpose for which used.	Average monthly consumption for twelve months ending 30th June 1941. Vehicles serving the same purpose may be grouped together.

*For use in office of Rationing Authority.*

Special Coupons for.....units sanctioned for period ending .....

Book(s) Number(s).....issued.

Date.. ..

Rationing Authority.

.....Area.

**Part VI.—Rules and Orders under the Defence of 227  
India Act, 1939.**

(Orders under Rule 81, Defence of India Rules.)

**FORM H.**

**MOTOR SPIRIT RATIONING ORDER, 1941.**

*Application for ordinary coupons [vide Clause 10 (1)].*

(FOR ALL MOTOR BOATS AND ALL MOTOR  
VEHICLES OTHER THAN STAGE CAR-  
RIAGES OR VEHICLES IN THE POSSES-  
SION OF A DEALER OR DISTRIBUTOR  
- UNDER A TRADE OR GENERAL NUMBER.)

The particulars on this form should be completed and the form presented or sent together with the registration certificate(s) of the vehicle(s) (or certificate of Survey in the case of a motor boat) in respect of which the application is made, to the Area Rationing Authority. Ordinary coupons will not be issued for a period longer than three months, as specified below.

I hereby apply for the issue of Ordinary Coupons in respect of the vehicle(s) particulars of which are entered on the reverse.

1. Name and full postal address of the applicant  
(in block capitals).

2. Period for which required

{ \*February, March  
April 194  
\*May, June, July  
194  
\*August, Septem-  
ber, October 194  
\*November, De-  
cember, January  
194

3. I have paid the tax due on the vehicles upto.....  
.....

- 4 The following particulars must be given in respect of all applications *other than the first* :—

(i) Date of last application for ordinary coupons..

(ii) To whom made.

(iii) Quantity of motor spirit, if any, allowed.....  
.....units.

(iv) Period for which valid.....

I hereby declare that the contents of this application are correct and that I have made no other application for ordinary coupons for the vehicles and period to which this application relates.

Date..... Signature of applicant.....

\* Strike out whichever alternatives are inapplicable.

228 *Legislation and Orders relating to the War.*  
*(Orders under Rule 81, Defence of India Rules.)*  
*Form H—Reverse.*

Registered number of vehicle or in case of motor boats number of certificate of Survey.	Horse power and in case of goods vehicles registered laden weight.	Description of vehicle, whether motor cycle, motor cab, motor car, contract carriage, goods vehicle, tractor or motor boat.	Purpose for which vehicle is used.	If vehicle is a transport vehicle, give class and number of permit and area for which valid.	If vehicle is a transport vehicle or a motor boat used other than for pleasure give figures of average monthly consumption of motor spirit for 12 months prior to 30th June 1941.

*For use in office of Rationing Authority.*

Ordinary Coupons for.....units sanctioned for period ending.....

Book(s) Number(s).....issued.

*Rationing Authority.*

*Date*..... *Area.*

FORM I.

MOTOR SPIRIT RATIONING ORDER, 1941.

*Application for ordinary coupons [vide Clause 10 (1)].*

FOR STAGE CARRIAGES ONLY.

The particulars on this form should be completed and the form presented or sent, together with part A of the Stage Carriage Permit, to the Area Rationing Authority. Ordinary coupons will not be issued for a period longer than three months as specified below.

I hereby apply for the issue of Ordinary Coupons in respect of the Stage Carriage(s) particulars of which are entered on the reverse.

1. Name and full postal address of applicant (in block capitals).

*Part VI.—Rules and Orders under the Defence of 229  
India Act, 1939.*

*(Orders under Rule 81, Defence of India Rules.)*

2. Period for which required { \*February, March,  
April 194  
\*May, June, July,  
194  
\*August, Septem-  
ber, October 194  
\*November, De-  
cember, January  
194

3. I have paid tax due on the vehicles up to.....

4. The following particulars  
must be given in respect  
of all other applications  
than the first :—

(i) Date of last application  
for ordinary coupons.

(ii) To whom made.

(iii) Quantity of motor spirit  
if any allowed.....units.

(iv) Period for which valid.....

I hereby certify that the contents of this application  
are correct and that I have made no other application  
for ordinary coupons in connection with the use of the  
vehicles as stage carriages for the period to which this  
application relates.

Date..... Signature of applicant.....

*Form I—Reverse.*

Glass and number of stage Carriage permit.	Registered number of vehicles usually used on route(s).	Horse Power.	Seating capacity.	Particulars including length of routes cov- ered by permit.	Numbers of return trips performed daily on each route.

*For use in office of Rationing Authority.*

Ordinary Coupons for.....units sanctioned for period  
ending.....

Book(s) Number(s).....issued.

*Rationing Authority.*

Date..... *Arca.*

\* Strike out whichever alternatives are inapplicable.

FORM J.

MOTOR SPIRIT RATIONING ORDER, 1941.

*Application for ordinary coupons [vide Clause 10 (1)].*

FOR VEHICLES IN THE POSSESSION OF A DEALER OR DISTRIBUTOR UNDER A TRADE OR GENERAL NUMBER.

The particulars on this form should be completed and the form presented or sent to the Area Rationing Authority. Coupons will not be issued for a period longer than three months, as specified below.

I hereby apply for the issue of Ordinary Coupons in connection with my business as a dealer in or distributor of motor vehicles.

1. Name and full business address of applicant (in block capitals).

2. Period for which required

\*February, March, April 194

\*May, June, July 194

\*August, September, October 194

\*November, December, January 194

3. Details of trade or general numbers issued to applicant.

4. The following particulars *must* be given in respect of all applications other than the first :—

(i) Date of last application for ordinary coupons.

(ii) To whom made.

(iii) Quantity of motor spirit allowed, if any.....  
.....units.

(iv) Period for which valid  
.....

I hereby declare that the contents of this application are true and that I have made no other application in respect of the trade or general numbers for the period to which this application relates.

Date.....

Signature of applicant.

\* Strike out whichever alternatives are inapplicable.

*Part VI.—Rules and Orders under the Defence of 231  
India Act, 1939.*

*(Orders under Rule 81, Defence of India Rules.)*

*For use in office Rationing Authority.*

Ordinary Coupons for.....units sanctioned for period ending.....

Book(s) Number(s).....issued.

*Rationing Authority.*

*Date.....*

*.....Area.*

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FORM K.

MOTOR SPIRIT RATIONING ORDER, 1941.

*Application for supplementary coupons [vide Clause  
10 (1)].*

FOR ALL VEHICLES OTHER THAN STAGE CARRIAGES.

An application in this form should only be made when a person to whom special or ordinary coupons have been issued apprehends that those coupons will not be sufficient to meet his actual requirements. Supplementary coupons will not be issued unless the Rationing Authority considers that a genuine need exists for additional supplies of spirit and their period of validity will not exceed one month. The following particulars should be completed and the form presented or sent to the Area Rationing Authority together with the Registration Certificate(s) of the vehicle (or Certificate of Survey in the case of a Motor Boat) to which the application relates.

I hereby apply for supplementary coupons in respect of the vehicle(s) particulars of which are entered on the reverse.

1. Name, profession and full postal address of applicant (in block capitals).

2. Particulars of coupon already held for vehicles to which this application relates.

(i) Whether special or ordinary.

(ii) By whom issued.

(iii) Numbers of coupon books.

(iv) Monthly consumption permitted for each vehicle.

(Orders under Rule 81, Defence of India Rules.)

3. If the application refers to a private motor car or motor cycle give registered numbers and H. P. of all motor cars and motor cycles in applicant's possession.

4. The following particulars *must* be given in respect of all other applications *than the first* :—

(i) Date of last application for supplementary coupons.

(ii) To whom made.

(iii) Quantity, if any, of motor spirit allowed.

(iv) Month for which valid.

I hereby declare that all the particulars given on this form are correct and that I have made no application for supplementary coupons for the vehicles to which this application relates subsequent to that stated above.

Date.....

Signature of applicant..

*Form K.—Reverse.*

Registered number of vehicle, or in the case of a motor boat, number of certificate of survey.	Horse Power.	Description whether motor cycle, motor car, motor cab, goods vehicle, tractor, contract carriage or motor boat.	Purposes for which vehicle is used. If vehicle is a transport vehicle give number and class of permit and area for which permit is valid.	Average monthly consumption of motor spirit by vehicle for twelve months prior to 30th June 1941.

*For use in office of Rationing Authority.*

Coupons for.....Supplementary units sanctioned for.....(month).

Book(s) Number(s).....issued.

*Rationing Authority.*

Date.....

.....Area..



(Orders under Rule 81, Defence of India Rules.)

FORM L.

MOTOR SPIRIT RATIONING ORDER, 1941.

Application for supplementary coupons [vide Clause 10 (1).]

FOR STAGE CARRIAGES ONLY.

An application in this form should only be made when a person to whom ordinary coupons have been issued for the purpose of operating a stage carriage or service of stage carriages apprehends that those coupons will not be sufficient to meet actual requirements. Supplementary coupons will not be issued unless the Rationing Authority considers that a genuine need exists for additional supplies of motor spirit and their period of validity will not exceed one month. The following particulars should be completed and the form presented or sent to the Area Rationing Authority together with Part A of the permit which authorises the use for the vehicle(s) as a stage carriage(s).

I hereby apply for supplementary coupons in respect of the vehicle(s) particulars of which are entered on the reverse :—

1. Name and full postal address of applicant (in block capitals).

2. Particulars of ordinary coupons already held for vehicles to which this application refers.

(i) By whom issued.

(ii) Numbers of coupon books.

(iii) Monthly consumption permitted for vehicle or service of vehicles.

3. The following particulars should be given in respect of all other applications than the first :—

(i) Date of last application for supplementary coupons.

(ii) To whom made.

(iii) Quantity, if any, of motor spirit sanctioned.

(iv) Month for which valid.

*(Orders under Rule 81, Defence of India Rules.)*

I hereby declare that all the particulars given on this are correct and that I have made no application for supplementary coupons for the vehicle(s) to which this application relates, subsequent to that stated above.

Date.....

Signature of applicant.

*Form L.—Reverse.*

Class and number of Stage Carriage permit.	Registered number of vehicles normally used on route(s).	Horse Power.	Seating Capacity.	Particulars of route(s) including length and average number of return trips daily.	Reasons why ordinary ration has proved inadequate.

*For use in office of Rationing Authority.*

Coupons for.....Supplementary units sanctioned for .....(month).

Book(s) Number(s).....issued.

*Rationing Authority.*

Date.....

.....Area.

**FORM M.**

**MOTOR SPIRIT RATIONING ORDER, 1941.**

*Application for Licence (vide Clause 15).*

*Note.*—An application in this form is to be made only when motor spirit is required for a purpose other than the propulsion of motor vehicles on roads or the propulsion of motor boats. It should be submitted to the **PROVINCIAL RATIONING AUTHORITY** or if in connection with the use of aircraft, to the Director of Civil Aviation. The validity of any licence issued will not exceed twelve months.

1. Name and full postal address of applicant (in block capitals).

[*Orders under Rule 51, Defence of India Rules.*]

2. State the purpose for which the motor spirit is required.
3. State approximate monthly consumption for the above-mentioned purpose for the twelve months ending 30th June, 1941. ....gallons.
4. State the maximum consumption in any one of those months .....gallons.
5. State :—
  - (i) the period for which you require a licence. ....months.
  - (ii) the amount of motor spirit expected to be consumed in that period. ....gallons.
6. The following particulars must be given in respect of all applications other than the first :—
  - (a) Date of last application.
  - (b) To whom made.
  - (c) Number of licence issued (if any).
  - (d) Quantity of motor spirit sanctioned. ....gallons.
  - (e) Period for which licence was issued.
  - (f) Date of expiry.

I hereby certify that the contents of this application are correct.

Date..... *Signature of applicant.*

*For use in office of Rationing Authority.*

Licence in Form F Number.....issued.

Date of expiry.....

Quantity allowed.....

Receipt Book(s) in Form B Number(s).....issued.

*Provincial Rationing Authority.*

Date.....

[*Orders under Rule 81, Defence of India Rules.*]<sup>1</sup>[FORM N.]

MOTOR SPIRIT RATIONING ORDER, 1941.

*Certificate validating supply to other vehicle, vide clause 9 (4A).*

PROVINCE OF.....

Ordinary or supplementary coupons issued to.....  
 .....for obtaining a supply of motor spirit for use in  
 vehicle Registered No. .... are hereby validated,  
 under sub-clause (4A) of clause 9 of the Motor Spirit  
 Rationing Order, 1941, for obtaining in any place in  
 British India other than.....a supply of motor  
 spirit for use by the said..... in any  
 other vehicle.

Dated.....

*Provincial Rationing Authority.]]*

## THE SECOND SCHEDULE.

[See clause 21 (2).]

*Standards for Area Rationing Authorities.*

Class of Vehicles.	Standard to which an Area Rationing Authority shall have regard in deciding the amount of motor spirit for which coupons other than supplementary coupons are to be granted.
1. Vehicles not covered by clause 3 which are employed by the Central or a Provincial Government for any administrative purpose other than public transport.  2. (a) Vehicles employed by local authorities for any administrative purpose other than public transport.  (b) Vehicles used as ambulances, travelling dispensaries, or school buses.	<p style="text-align: center;"><b>A</b></p> The minimum requirements as stated by the authority responsible to the Government concerned for the operation of the vehicle.  The minimum required for the maintenance of essential services as estimated by the Area Rationing Authority, after summary enquiry and after consideration of— (a) the consumption of motor spirit in normal circumstances of the vehicle, (b) the possibility of reverting to animal drawn transport, (c) the possibility of effecting economy of consumption by a rearrangement of routes, and (d) any other factor the Area Rationing Authority deems relevant.

Part VI.—Rules and Orders under the Defence of India Act, 1939. 237

[Orders under Rule 81, Defence of India Rules.]

Class of Vehicles.	Standard to which an Area Rationing Authority shall have regard in deciding the amount of motor spirit for which coupons other than supplementary coupons are to be granted.																		
3. Transport vehicles and Motor Boats used for public transport.	The minimum in relation to the required reduction of total consumption, estimated by the Rationing Authority to be necessary to enable the transport vehicle or motor boat to satisfy local needs, with regard to local conditions and to the existing and potential capacity of rail-borne, water-borne and other transport facilities.																		
4. Motor vehicle in the possession of a dealer or distributor, the use of which is authorised by trade or general numbers issued in accordance with rules made under clause (K) of Section 41 (2) of the Motor Vehicles Act, 1939.	The minimum requirements of the dealer or distributor as estimated by the Area Rationing Authority, subject to a limit of 10 units per month for each trade or general number issued to him.																		
5. Vehicles not included in items 1, 2, 3 and 4.	Where the horse power (as entered in the certificate of registration in the case of a motor vehicle or as stated in the manufacturer's specification in the case of a motor boat)—																		
	<table> <tr> <th></th><th>Units per month.</th></tr> <tr> <td>does not exceed 3 H. P.</td><td>2</td></tr> <tr> <td>exceeds 3 H. P. but does not exceed 4 H. P.</td><td>3</td></tr> <tr> <td>exceeds 4 H. P. but does not exceed 7 H. P.</td><td>5</td></tr> <tr> <td>exceeds 7 H. P. but does not exceed 9 H. P.</td><td>6</td></tr> <tr> <td>Exceeds 9 H. P. but does not exceed 12 H. P.</td><td>8</td></tr> <tr> <td>exceeds 12 H. P. but does not exceed 15 H. P.</td><td>9</td></tr> <tr> <td>exceeds 15 H. P. but does not exceed 19 H. P.</td><td>10</td></tr> <tr> <td>exceeds 19 H. P.</td><td>12</td></tr> </table>		Units per month.	does not exceed 3 H. P.	2	exceeds 3 H. P. but does not exceed 4 H. P.	3	exceeds 4 H. P. but does not exceed 7 H. P.	5	exceeds 7 H. P. but does not exceed 9 H. P.	6	Exceeds 9 H. P. but does not exceed 12 H. P.	8	exceeds 12 H. P. but does not exceed 15 H. P.	9	exceeds 15 H. P. but does not exceed 19 H. P.	10	exceeds 19 H. P.	12
	Units per month.																		
does not exceed 3 H. P.	2																		
exceeds 3 H. P. but does not exceed 4 H. P.	3																		
exceeds 4 H. P. but does not exceed 7 H. P.	5																		
exceeds 7 H. P. but does not exceed 9 H. P.	6																		
Exceeds 9 H. P. but does not exceed 12 H. P.	8																		
exceeds 12 H. P. but does not exceed 15 H. P.	9																		
exceeds 15 H. P. but does not exceed 19 H. P.	10																		
exceeds 19 H. P.	12																		
All vehicles in respect of which supplementary coupons are required.	<p style="text-align: center;"><b>B</b></p> <p>The minimum requirements in each case as determined by the Area Rationing Authority.</p>																		

[*Orders under Rule 81, Defence of India Rules.*]

*Commerce Dept., No. P.R.-68/41, dated the 4th October, 1941.*—Whereas the Central Government is satisfied that the Indian States mentioned in the Schedule hereto annexed have made within their territories provision for the rationing of motor spirit which is substantially the same as that made in the <sup>1</sup>Motor Spirit Rationing Order, 1941; and

Whereas the aforesaid Indian States have agreed to accept as effective within their territories special receipts, coupons, licences and receipts issued in British India;

Now, therefore, the Central Government in pursuance of clause 35 of the said Order is pleased to direct that so long as this notification remains in force special receipts, coupons, licences and receipts issued by the aforesaid Indian States, shall be effective in British India as though they had been issued in British India.

#### THE SCHEDULE.

*Hyderabad Residency.*

Hyderabad.

*Mysore Agency.*

Banganapalle.

Mysore.

Sandur.

*Rajputana Agency.*

All States in Rajputana.

*Western India States Agency.*

All States in Western India *except*.

2 \* \*

Nawanagar.

Porbandar.

*Punjab States Agency.*

Bahawalpur.

Dujana.

Faridkot.

Jind.

Kapurthala.

Khairpur.

Loharu.

Malerkotla.

Mandi.

Nabha.

Patiala.

Pataudi.

<sup>1</sup> *Supra*, p. 202.

<sup>2</sup> Entry omitted. Commerce Department Notification No. P. R. 68 (2)/41, dated the 4th December, 1941.

[Orders under Rule 81, Defence of India Rules.]

*Punjab Hill States.*

Bhagat.  
Bilaspur.  
Kulsia.  
Keonthal.  
Kotl.  
Kuthar.  
Nalagarh.  
Sirmur.  
Tehri-Garhwal.  
<sup>1</sup>[Dhami.  
Jubbul.]

*Baroda Residency and Gujarat States Agency.*

Balasinor.  
Bansda.  
Baria.  
Baroda.  
Bhadarwa.  
Cambay.  
Chhota Udepur.  
Dharampur.  
Jamtughoda.  
Jawhar.  
Kadana.  
Lunawada.  
Rajpipla.  
Sachin.  
Sanjeli.  
Sant.  
Surgana.  
Umata.

*Gwalior Residency.*

Benares.  
Gwalior.  
Rampur.

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<sup>1</sup> Added, Commerce Dept. Notfn. No. P. R. 68 (2)/41, dated the 4th December, 1941.

[Orders under Rule 81, Defence of India Rules.]

*Madras States Agency.*

Cochin.

Pudukkottai.

Travancore.

*Kolhapur Residency and Deccan States Agency.*

Kolhapur and all the Deccan States.

*Assam States.*

Manipur.

*North-West Frontier States.*

Dir.

Swat.

*Central India States Agency.*

<sup>1</sup>[Alipura.

Alirajpur.

Baoni.

Baraundha.

Barwani.

Beri.

Bhaisondha.

Bhopal.

Bihat

Bijawar.

Bijana.

Charkhari.

Datia.

Dewas, J. B.

Dhar.

Dhurwai.

Gaurihar.

Gariauli.

Indore.

Jaora.

Jaso.

Jhabua.

Jigni

Jobat

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<sup>1</sup> Subs., Commerce Dept. Notfn. No. P. R. 68 (2)/41, dated the 4th December, 1941.



[Orders under Rule 81, Defence of India Rules.]

Kamta Rajaula.

Kothi.

Lugasi.

Maihar.

Makrai.

Mathwar.

Nagod.

Narsingarh.

Naigawan Rebar.

Orchha.

Pahra.

Paldoe.

Piploda.

Rajgarh.

Ratanmal.

Ratlam.

Rewa.

Sailana.

Samthar.

Sarila.

Sitamau.

Sohawal

Taraon.

Tori-Fatehpur.]

†["Eastern States Agency"].

Althgarh.

Athmallik.

Bamra.

Baramba.

Bastar.

Baudh.

Bonai.

Changbakar.

Chhuikhadan.

Cooch Behar.

Daspalla.

Dhenkanal.

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<sup>1</sup> Added, Commerce Dept. Notfn. No. P. R. 68 (2)/41, dated the 4th December, 1941.

[*Orders under Rule 81, Defence of India Rules.*]

Gangpur.  
Hindol.  
Jashpur.  
Kalahandi.  
Kanker.  
Kawardha.  
Keonjhar.  
Khairagarh.  
Khandpara.  
Kharsawan.  
Mayurbhanj.  
Nandgaon.  
Narsinghpur.  
Nayagarh.  
Nilgiri.  
Palbahara.  
Patna.  
Raigarh.  
Rairakhol.  
Ranpur.  
Sakti.  
Seraikela.  
Sarangarh.  
Sonepur.  
Surguja.  
Talcher.  
Tigiria.  
Tripura.  
Udaipur.]

[*Gazette of India, 1941, Extraordinary, p. 643.*]

*E. A. Dept., No. 20-W., dated the 14th August, 1941.*—In exercise of the powers conferred by rule 81 of the Defence of India Rules, 1939, as applied to the tribal areas specified in the Schedule hereto annexed, the Central Government is pleased to apply to the said areas the <sup>1</sup>Motor Spirit Rationing Order, 1941, subject to any amendments to which the said Order is for the time being subject in British India :

Provided that—

- (1) all references in the said Order to the Provincial Government shall be construed as references to the Agent to the Governor General exercising jurisdiction in the tribal areas; and references to British India shall be construed as references to the said areas, except in clause 7 where the words “and

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<sup>1</sup> *Supra*, p. 202.

[Orders under Rule 81, Defence of India Rules.]

the North-West Frontier and Punjab tribal areas" shall be added after the words "British India" wherever they occur;

- (2) any Court or authority may construe the provisions of the said Order with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court or authority.

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*Schedule.*

1. Tribal areas beyond the western and northern boundaries of the North-West Frontier Province.
2. Such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas.

[*Gazette of India*, 1941. Extraordinary, p. 493.]

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*Commns. Dept., No. W16(22)/40-I, dated the 10th September, 1941.*—In exercise of the powers conferred by rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order:

1. (1) This Order may be called the Electrical Apparatus (Dealings) Order, 1941.

(2) It shall come into force on 1st November 1941.

2. Except under the authority of a permit granted by the Director General of Posts and Telegraphs in this behalf, no person shall sell, purchase, let, hire, supply, dispose of, acquire or distribute any of the following articles, namely:—

- (a) articles intended for use as parts of wireless transmitters, namely: high frequency inductors, variable capacitors (condensers), spark coils, quenched and rotary spark gaps;
- (b) any wireless receiving apparatus which is designed to be used also as a wireless transmitter or which can be adapted for such use by the operation of a switch or by the changing of screwed or plug connections;
- (c) high frequency equipment (being equipment which generates or uses high frequency current at frequencies greater than 10,000 cycles per second and having a maximum output exceeding 10 watts), including such equipment intended for use in connection with furnaces and medical apparatus;

[*Orders under Rules 81 and 81 (2), Defence of India Rules.*]

- (d) electronic valves capable of an anode dissipation exceeding 20 watts, either as independent items or as component parts of any apparatus;
- (e) line carrier telegraph equipment or line carrier telephone equipment;
- (f) piezo electric quartz plates or piezo electric tourmaline plates cut to oscillate at any specified frequency.

3. Applications for permits under paragraph 2 shall be made to the Electrical Engineer-in-Chief, Telegraph Store Yard, Alipore, Calcutta, through the District Magistrate or Commissioner of Police within whose jurisdiction the applicant is residing, on forms obtainable at any Head Post Office or from the Electrical Engineer-in-Chief, stating full particulars of the article concerned, the purpose for which it is required, and the name, address and occupation of the person wishing to obtain it and of the person from whom it is desired to obtain it. Only one application is required in respect of any one transaction.

4. Any person carrying on the business of selling any such article as is specified in paragraph 2 (hereinafter called the vendor) shall maintain a register showing (a) the details of all such articles in his possession together with the dates on which the articles came into his possession and the sources from which he obtained them and (b) in respect of any sale, the article sold, the person to whom it was sold and the number of the relevant permit; and any person authorised in this behalf by the Director General of Posts and Telegraphs may at any time inspect such register and examine the stock of the vendor for the purpose of verifying the entries therein, and may enter the premises of the vendor for the purposes aforesaid.

[*Gazette of India, 1941, Extraordinary, p. 563.*]

*Orders under Rule 81 (2), Defence of India Rules.*

Commerce Dept., No. 130-M. I. (War) (1)/39, dated the 11th May, 1940.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

*Order.*

1. This Order may be called the Repairs to Ships Order, 1940.

[Orders under Rule 81 (2), Defence of India Rules.]

2. No person whose business or part of whose business is the repair, alteration or drydocking of ships shall carry out, or cause or permit to be carried out, in a port mentioned in the first column of the Schedule to this Order, repairs or alterations to, or the drydocking of, ships except in accordance with a licence granted by the officer specified in the corresponding entry in the second column of the said Schedule :

Provided that nothing in this Order shall apply to the repair, alteration or drydocking of—

- <sup>1</sup>[(i) a ship belonging to His Majesty or a hospital ship, or],
- (ii) a sailing ship, or
- (iii) a ship which does not ordinarily proceed to sea.

*Schedule.*

Ports.	Officers.
Bombay . . . .	The Principal Department, Officer, Mercantile Marine Bombay.
Calcutta . . . .	The Principal Department, Officer, Mercantile Marine Calcutta.
Madras . . . .	The Principal Department, Officer, Mercantile Marine Madras.
Karachi . . . .	The Principal Department, Officer, Mercantile Marine Karachi.

[Gazette of India, 1940, Pt. I., p. 677.]

*Labour Deptt., No. M.-1273, dated the 25th May, 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Mica Control Order, 1940.

(2) This clause and clauses 2, 3, 17, 18 and 21, shall extend to the Province of Bihar, and the other clauses shall extend to such areas in the Province of Bihar <sup>2</sup>[(hereinafter referred to as 'controlled areas')], as the Central Government may by notification in the official Gazette direct.

Subs., Commerce Department Notification No. 130-M. I. (War) (1)/39, dated the 5th July, 1941.

<sup>2</sup>Ins. Labour Department Notification No. M.-1273, dated the 11th July, 1940.

[*Orders under Rule 81 (2), Defence of India Rules.*]

2. In this Order, unless there is anything repugnant in the subject or context:

- (a) "block mica" means any mica, other than *chillas*, splittings and refuse mica, obtained from crude mica of any process of trimming;
- (b) "*chillas*" means thin laminations or cleanings of mica not more than 008 inch thick obtained from crude or block mica;
- (c) "crude mica" means mica in its rough state before it has been trimmed or subjected to any process;
- <sup>1</sup>[(d) "dealer's licence" means a licence granted under clause 6 authorizing the person to whom it is granted to buy mica, and to have in his possession, and sell, mica—
  - (i) extracted in a controlled area from a mica mine of which he is not in possession or from a mica dump, or
  - (ii) imported into a controlled area from any place not situated in a controlled area,];
- (e) "digger" means a person to whom a digger's permit has been granted under clause 9;
- (f) "digger's permit" means a permit under clause 9 authorising the person to whom it is granted to have in his possession, and sell, mica extracted from a mica mine worked by him on his own behalf;
- (g) "Form" means a Form as set out in the First Schedule to this Order;
- (h) "licensee" means a person to whom a miner's licence or a dealer's licence has been granted;
- (i) "manufactured mica" means mica in any form other than the form of crude mica, block mica, *chillas* or splittings;
- (j) "mica dump" means any collection of mica refuse or of material containing mica;
- (k) "mica mine" means any excavation where any operation for the purpose of searching for or obtaining mica has been or is being carried on;

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<sup>1</sup>Subs., Labour Department Notification No. M.-1273, dated the 11th July, 1940.

[Orders under Rule 81 (2), Defence of India Rules.]

(l) "miner's licence" means a licence granted under clause 6 authorising the person to whom it is granted to have in his possession and sell mica extracted from a mica mine of which he is in possession and which is situated in land of which he is not the proprietor or from a mica dump of which he is in possession;

(m) "proprietor" has the meaning assigned to the term in the Land Registration Act, 1876 (Bengal Act VII of 1876), as for the time being in force in Bihar;

(n) "proprietor's certificate" means a certificate granted under clause 5 authorising the person to whom it is granted to have in his possession, and sell, mica extracted from a mica mine of which he is in possession and which is situated in land of which he is the proprietor or from a mica dump of which he is in possession;

(o) "registered proprietor" means a person to whom a proprietor's certificate has been granted; and

(p) "splittings" means thin laminations of mica not more than .00125 inch thick.

3. Nothing in this Order shall apply to the possession of any splittings, *chillas* or block mica, if the largest rectangular area of sound mica which can be obtained therefrom is less than six square inches.

4. (1) Save as provided in sub-clauses (2) and (3) no person shall—

(a) have in his possession, or sell, mica extracted from a mica mine of which he is in possession and which is situated in land of which he is not the proprietor, except under and in accordance with a miner's licence or a digger's permit;

(b) have in his possession, or sell, mica extracted from a mica mine of which he is in possession and which is situated in land of which he is the proprietor, except under and in accordance with a proprietor's certificate;

(c) have in his possession, or sell, mica extracted from a mica dump of which he is in possession, except under and in accordance with

[*Orders under Rule 81 (2), Defence of India Rules.*]

a miner's licence, a dealer's licence or a proprietor's certificate ;

<sup>1</sup>[(d) buy mica or have in his possession, or sell, mica extracted in a controlled area from a mica mine or mica dump of which he is not in possession, or mica imported into a controlled area, from any place not situated in a controlled area, except under and in accordance with a dealer's licence] ;

(e) being a licensee, registered proprietor or digger, sell mica to any person resident or carrying on business in a controlled area, unless such person possesses a valid dealer's licence ;

(f) being a person to whom a dealer's licence has been granted, buy mica from a person resident or carrying on business in a controlled area, unless such person is a licensee, registered proprietor or digger.

(2) Nothing in sub-clause (1) shall apply to :—

(a) the possession, sale or, purchase of manufactured mica ; or

(b) the sale of mica by a licensee or registered proprietor to, or the purchase of mica from a licensee or registered proprietor by, any person not resident or carrying on business in a controlled area, provided that such person is in possession of an authorisation granted under clause 17 if so required by that clause.

(3) Any licensee whose licence ceases to be in force under sub-clause (3) of clause 6, or is cancelled under clause 23 shall be entitled, up to a date not later than six months after the date on which his licence ceases to be in force or is cancelled, as the case may be, to sell or otherwise dispose of in accordance with the provisions of this Order any mica which was in his possession on the date on which his licence ceased to be in force or was cancelled.

(4) No licensee, registered proprietor or digger shall sell any mica to any person resident or carrying on business in Bihar outside a controlled area unless such person possesses a valid authorisation granted under clause 17.

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<sup>1</sup>Subs., Labour Dept., Notfn. No. M.-1273, dated the 11th July, 1940.



[Orders under Rule 81 (2); Defence of India Rules.]

5. The District Magistrate shall, on the application of any person who is a proprietor, grant to such person a proprietor's certificate in Form A.

6. (1) The District Magistrate may, on the application of any person and on payment by such person of a fee of fifty rupees, grant to such person a miner's licence in Form B or a dealer's licence in Form C, and the decision of the District Magistrate to grant or refuse to grant such licences shall be final :

Provided that a licence shall not be refused to any person who, on 1st April 1938, held a valid mica miner's licence or a valid mica dealer's licence under the Bihar and Orissa Mica Act, 1930 (Bihar and Orissa Act 1 of 1930).

(2) There shall be paid to the District Magistrate in respect of every licence granted under sub-clause (1) an annual fee of twenty-five rupees. Such annual fee shall be paid on the first day of January next following the date on which the licence is granted and on the first day of January in each succeeding year.

(3) If the fee payable under sub-clause (2) in respect of any licence is not paid within one month of the date on which it is required by that sub-clause to be paid, such licence shall cease to be in force.

<sup>1</sup>[(4) If at any time a licence granted under sub-clause (1) is lost by the licensee or is destroyed, the licensee shall forthwith report the fact in writing to the District Magistrate and shall explain the circumstances in which the licence has been lost or destroyed. Upon the receipt of such intimation, the District Magistrate shall make such enquiries as he may think fit, and if he is satisfied that the licence has been lost or destroyed, he may issue a duplicate licence on payment of a fee of five rupees by the licensee. Such a licence shall be stamped with the word "Duplicate".]

7. The District Magistrate shall, on the application of a licensee or registered proprietor, endorse on his licence or proprietor's certificate, as the case may be, the names of persons who shall be entitled to exercise on behalf of such licensee or registered proprietor any of the powers conferred on him under this Order or his licence or proprietor's certificate, and no person whose

<sup>1</sup>Added, Labour Dept. Notfn. No. M.-1273, dated the 3rd October, 1940.

[*Orders under Rule 81 (2), Defence of India Rules.*]

name is not so endorsed shall be entitled to exercise any of the said powers on behalf of any licensee or registered proprietor.

8. Any person who has been authorised by the owner or lessee of any land by an instrument in writing to extract mica on his own behalf from such land for a period not exceeding one year, may apply to such officer as may be appointed in this behalf by the Provincial Government, for the registration of such instruments, and such officer shall, on payment by such person of a fee of one rupee register such instrument in the manner prescribed in the Second Schedule to this Order, and immediately thereafter cause a notice in Form D, signed by him to be sent by registered post to the executant.

9. (1) Any person at whose instance an instrument has been registered under clause 8 may apply to the District Magistrate for a digger's permit and the District Magistrate may on production by such person of the instrument and on payment of a fee of one rupee grant to such person a digger's permit in Form E.

(2) The decision of the District Magistrate to grant or refuse to grant a digger's permit shall be final.

(3) A permit granted under sub-clause (1) shall be in force for one year or for the period stated in the instrument referred to in sub-clause (1), whichever is less.

(4) Every such permit shall specify, and the holder of the permit shall comply with, the following conditions of issue, namely :—

- (a) the period for which the permit is in force,
- (b) the area within which the digger is authorised to extract mica,
- (c) the route or routes along which the digger shall transport mica, and
- (d) the place or places at which the digger shall sell mica.

(5) No person holding a digger's permit shall have in his possession any mica not extracted from the area specified in his permit.

10. (1) Every licensee and every registered proprietor shall keep regular accounts showing :—

(A) in respect of crude mica, the following particulars, namely :—

- (i) the quantity received, the date of receipt and the source of supply,

[Orders under Rule 81 (2), Defence of India Rules.]

- (ii) the quantity issued to cutters or disposed of and the date of such issue or disposal, and the name of the person, if any, to whom it is disposed of,
- (iii) the quantity of block mica received from cutters, and the date of receipt,
- (iv) the quantity of *chillas* received from cutters, and the date of receipt, and
- (v) the quantity of the balance remaining in stock at intervals not exceeding seven days;

(B) in respect of mica other than crude or manufactured mica, the following particulars, namely :—

- (i) all additions to the stock, specifying the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, of the mica received and, in the case of purchase, the name of the person from whom it is purchased,
- (ii) all issues from the stock, specifying :—
  - (a) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, issued,
  - (b) the purpose for which it is issued, and
  - (c) in the case of sale or export, the name of the purchaser or of the agent to whom it is exported, as the case may be, and
- (iii) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, of the balance remaining in stock at intervals not exceeding seven days.

(2) With effect from such date as the Provincial Government may by notification in the official Gazette specify, every licensee and every registered proprietor shall submit to such officer as may be authorised in this behalf by the Provincial Government true returns in the Forms set out in the First, and in the manner prescribed in the Third, Schedule to this Order.

[*Orders under Rule 81 (2), Defence of India Rules.*]

11. Every licensee and every registered proprietor shall, when so required by the officer concerned—

- (a) produce his accounts and disclose or produce the full amount of his stock of mica for the inspection of any officer authorized in this behalf by the Provincial Government;
- (b) give any officer authorised in this behalf by the Provincial Government every facility for inspecting any mica mine or mica dump of which he is in possession.

12. (1) Every licensee, registered proprietor or digger shall notify to such officer as may be authorised by the Provincial Government in this behalf in the manner prescribed in the Fourth Schedule to this Order all places used by him whether for storing mica or for preparing the same for sale, and shall give to such officer every facility for inspecting such places.

(2) No mica shall be stored by any licensee, registered proprietor or digger at any place other than a place notified in accordance with sub-clause (1).

13. Any officer authorised in this behalf by the Provincial Government may inspect any mica mine worked by a digger, and the digger shall give to such officer every facility for inspecting such mine.

14. (1) The District Magistrate shall appoint places for the sale of mica by diggers, and shall, by a notice affixed at some conspicuous position at every such place specify the days on which and the times at which, mica may be sold at such places.

(2) The District Magistrate may appoint an officer to be in charge of any place appointed under sub-clause (1) for the sale of mica and such officer shall keep a register in such form as the District Magistrate may prescribe of all sales of mica made by diggers at any such place.

(3) Every sale of mica by a digger at a place appointed under sub-clause (1) shall be made in such manner as may be prescribed by the District Magistrate.

15. (1) No person shall transport or remove mica from any place in a controlled area to any other place in a controlled area unless (a) he is a digger and is transporting or removing mica from a mine worked by himself; or (b) he carries in respect of the mica a pass in

[Orders under Rule 81 (2), Defence of India Rules.]

Form F, signed by a licensee or a registered proprietor or a duly authorised agent of a licensee or registered proprietor, and showing :—

- (i) the date and time of issue of the pass ;
- (ii) the place from which the mica is being transported or removed ;
- (iii) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity, of the mica ; and
- (iv) the destination of the mica :

Provided that any person who is ordinarily engaged in the business of splitting mica may without a pass—

- (i) remove block mica or *chillas* of the nature specified in clause 3, from any place in the occupation of a licensee or registered proprietor other than a mica mine or a mica dump, and
- (ii) return to such licensee or registered proprietor splittings made from such block mica or *chillas*.

(2) Every pass issued in Form F shall be made out in duplicate and one copy shall be kept by the person issuing the pass.

(3) Books of passes shall be obtained on payment from the officer appointed in this behalf by the Provincial Government and the passes and counterfoils shall be serially numbered.

16. (1) Any Magistrate, any police officer or any person authorised in this behalf by the Provincial Government may seize any mica from any person who does not carry a pass or digger's permit as required by clauses 15 and 21 or who does not produce such pass or digger's permit when required to do so.

(2) All mica seized under the provisions of sub-clause (1) shall be detained at the nearest police-station until the ownership thereof has been established to the satisfaction of any Magistrate authorised in this behalf by the District Magistrate.

[*Orders under Rule 81 (2), Defence of India Rules.*]

(3) If the ownership of such mica is disputed or if the ownership thereof is not established to the satisfaction of the Magistrate, he shall refer the matter to the District Magistrate. If any claim made to the ownership of such mica is rejected by the District Magistrate or if no claim is made within one month from the date of detention, the mica shall be forfeited to <sup>1</sup>[the Provincial Government]:

Provided that when any such claim is rejected, the claimant may, within three months of the order rejecting the claim, apply to the Civil Court to set aside such order and the Court, if satisfied that such claimant is the owner of the mica, shall make an order for the delivery thereof to him.

17. (1) No person shall transport or remove any mica from any place in Bihar—

(a) to any other place in Bihar not being in a controlled area, or

(b) to any place outside Bihar,

unless he carries in respect of the mica an authorisation in Form G, granted under this clause to the consignor:

<sup>2</sup>[Provided that no such authorization shall be necessary in respect of mica sealed by the Mica Inspector to the Government of India and transported to the port of Calcutta for shipment abroad.]

(2) No person shall receive mica in any place in Bihar not being in a controlled area unless he holds in respect of the mica an authorisation in Form G, granted to him under this clause.

(3) An officer appointed by the Central Government in this behalf may, on the application of any person and on payment by such person of a fee of one rupee, grant to such person an authorisation in Form G.

(4) If the officer refuses to grant an authorisation, an appeal shall lie to the Central Government whose decision shall be final.

(5) An authorisation in Form G shall remain in force for such period as may be specified in the authorisation and the holder shall comply with the conditions specified thereon.

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<sup>1</sup>Subs., Labour Dept. Notfn. No. M.-1273, dated the 21st August, 1940.

Added, Labour Dept. Notfn. No. M.-1273, dated the 11th July 1940.

[Orders under Rule 81 (2), Defence of India Rules.]

18. (1) Any magistrate or police officer or any person authorised in this behalf by the Provincial Government may seize any mica which he has reason to believe is being transported or removed in contravention of the provisions of clause 17.

(2) All mica seized under the provisions of sub-clause (1) shall be detained at the nearest police station, and the seizure reported forthwith to the Sub-Divisional Magistrate who shall deal with the mica in accordance with the provisions of sections 523 and 524 of the Code of Criminal Procedure, 1898 (Act V of 1898), as if it had been property taken by a police officer under section 51 of that Code, subject to the modification that in sub-section (2) of section 523, for the words "six months", the words "one month" shall be deemed to have been substituted.

19. (1) Whenever any police officer not below the rank of sub-inspector or any other person specially authorised in this behalf by the Provincial Government has reason to believe that a breach of this Order has been or is being committed in respect of any mica and that such mica is to be found in any building or place, and that a search warrant cannot be obtained without affording the offender an opportunity of concealing or removing such mica, he may, after recording the grounds of his belief, at any time by day or night, enter and search such building or place and seize any mica found therein, in respect of which he has reason to believe that a breach of this Order has been or is being committed :

Provided that nothing in this sub-clause shall apply to mica in respect of which a breach of the provisions of clause 10 has been committed.

(2) Every officer seizing any mica under this clause shall—

- (a) prepare a list of the mica so seized and deliver a copy thereof signed by him to the person found in possession of such mica,
- (b) enclose the mica seized in a package and place on such package a mark indicating that the mica therein contained has been seized, and
- (c) as soon as may be after such seizure, make a report thereof to the Magistrate having

[*Orders under Rule 81 (2), Defence of India Rules.*]

jurisdiction to try the offence on account of which such seizure has been made.

(3) Upon receipt of any such report the Magistrate shall with all convenient despatch take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

20. Every licensee, registered proprietor or digger shall produce for inspection his licence, certificate or permit, respectively, within a reasonable time, on being required to do so by the District Magistrate or by any person authorised in this behalf by the Provincial Government.

21. Any person transporting or removing mica from any place shall, on being required so to do by any magistrate or police officer or by any other person authorised in this behalf by the Provincial Government, produce his digger's permit or pass or authorisation, as the case may be.

22. If any digger is convicted of an offence involving a breach of the conditions of his permit, his permit shall be deemed to be cancelled with effect from the date of such conviction, and no fresh permit shall be granted to him for one year after the date of such conviction.

23. The Provincial Government may cancel the licence of any licensee who—

(a) is convicted of an offence under Chapter XVII of the Indian Penal Code committed in respect of mica, or

(b) is guilty of failure to comply with any of the provisions of this Order :

Provided that a licence shall not be cancelled solely by reason of a conviction from which the licensee has no right of appeal.

24. The District Magistrate may, with the previous approval of the Commissioner, delegate any of the powers or duties conferred or imposed on him by this Order to any Magistrate of the first class.

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NOTE.—Under sub-rule (4) of rule 81, read with the rule 5, of the Defence of India Rules, any contravention of this Order is punishable with imprisonment which may extend to three years and also with fine, and is therefore a cognizable offence.



[Orders under Rule 81 (2), Defence of India Rules.]

**THE FIRST SCHEDULE.**

**FORMS**

**FORM A.**

[See CLAUSE 5.]

*Form of Proprietor's Certificate.*

No.....

Year.....

A certificate is hereby granted to....., son of....., resident of village....., Police Station..... District....., whose name has been registered under the Bengal Land Registration Act, 1876, as for the time being in force in Bihar as proprietor of estate/estates, .....bearing tauzi No./Nos....., on the roll of the Collector/Deputy Commissioner of the District of....., to have in his possession and to sell mica extracted from any mica mine of which he is in possession and which is situated in land of which he is the proprietor or from a mica dump of which he is in possession.

The name of the said.....has been entered in the register of the Collector/Deputy Commissioner of the District of.....as a registered proprietor under the Mica Control Order, 1940.

This certificate is granted subject to the following conditions :—

- (a) that the registered proprietor shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possesses a dealer's licence; and
- (b) that the registered proprietor shall not sell any mica to any person resident or carrying on business in Bihar outside a controlled area unless such person is in possession of an authorisation granted under clause 17.

(Signed).....

*District Magistrate.*

Date .....

[*Orders under Rule 81 (2), Defence of India Rules.*]

The following persons are hereby authorised under clause 7 of the Mica Control Order, 1940, to exercise on behalf of the registered proprietor named above any of the powers conferred on such proprietor under the Order or under this certificate :—

Name.	Father's name.	Place of residence.	Date.

(Signed).....

*District Magistrate.*

# FORM B.

[*See* CLAUSE 6 (1).]

## *Form of Miner's Licence.*

No.....

Year.....

Original fee Rs. 50.

Annual fee Rs. 25.

This licence is hereby granted to.....  
 ..... son of.....resident of village.....  
 ..... & Co.....district.....  
 police-station .....  
 ordinarily carrying on business at.....  
 authorising him/it to have in his/its possession and to  
 sell mica extracted from any mica mine of which he/it  
 is in possession and which is situated in land of which  
 he/it is not the proprietor, or from any mica dump of  
 which he/it is in possession.

This licence is granted subject to the following conditions :

- (a) that the licensee shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possesses a dealer's licence; and

[Orders under Rule 81 (2), Defence of India Rules.]

(b) that the licensee shall not sell any mica to any person resident or carrying on business in Bihar outside a controlled area unless such person is in possession of an authorisation granted under clause 17.

Issued this..... day of.....194 .

(Signature).....

District Magistrate.

Particulars of mines in possession of the licensee.

Specification (including settlement plot numbers or Government forest square numbers) of the area or areas for which the licensee holds a mining lease or prospecting licence.	Name of proprietor or tenure-holder in whose estate or tenure the area is situated.	Date of commencement and termination of the mining lease or prospecting licence of the area.

The following persons are hereby authorised under clause 7 of the Mica Control Order, 1940, to exercise on behalf of the licensee named above any of the powers conferred on such licensee under the Order or under this licence :—

Name.	Father's name.	Place of residence.	Date.

(Signature).....

District Magistrate.

# FORM C.

[See CLAUSE 6 (1).]

Form of Dealer's Licence.

No.....

Year.....

Original fee Rs. 50.

Annual fee Rs. 25.

This licence is hereby granted to.....

..... son of ..... resident of village.....  
 ..... & Co. .... district .....  
 ..... police-station .....  
 ..... ordinarily carrying on business at .....

[*Orders under Rule 81 (2), Defence of India Rules.*]  
to buy mica, and to have in his/its possession and sell mica <sup>1</sup>[extracted in a controlled area from a mica mine of which he/it is not in possession or from a mica dump, or mica imported into a controlled area from any place not situated in a controlled area].

This licence is granted subject to the following conditions :

- (a) that the licensee shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possesses a dealer's licence ;
- (b) that the licensee shall not sell any mica to any person resident or carrying on business in Bihar outside a controlled area unless such person is in possession of an authorisation granted under clause 17 ; and
- (c) that the licensee shall not buy mica other than manufactured mica from a person resident or carrying on business in a controlled area unless such person is a licensee, registered proprietor or digger, or a person exercising the right conferred by sub-clause (3) of clause 4.

Issued this... ..day of .....194 .

(Signature).....

*District Magistrate.*

The following persons are hereby authorised under clause 7 of the Mica Control Order, 1940, to exercise on behalf of the licensee named above any of the powers conferred on such licensee under the Order or under this licence :

Name.	Father's name.	Place of residence.	Date.

(Signature).....

*District Magistrate.*

<sup>1</sup> Subs., Labour Dep't, Notfn. No. M.-1273, dated the 11th July, 1940.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM D.

[See CLAUSE 8.]

*Form of notice of registration of instruments*

This is to inform you that an instrument purporting to be executed by you has this day been registered in my office, authorising....., son of..... resident of village..... police-station....., district..... to extract mica on his own behalf from the land described below of estate....., tauzi no..... of the district of..... of which you are the owner/lessee.

*Description of land.*

Name of village with thana and thana number on which the land is situated.	Settlement plot number.	Boundaries.

(Signature).....

*Registering Officer.*

FORM E.

[See CLAUSE 9 (1).]

*Form of Digger's permit.*

Fee Re. 1.

Whereas....., son of....., resident of village....., police-station....., district..... has by an instrument in writing registered in the office of the ..... on the ..... day of ..... 194 , been authorised by ..... son of ..... resident of ..... owner of ..... Estate..... tauzi lessee of land included in

[*Orders under Rule 81 (2), Defence of India Rules*] no ..... of the district of ..... to extract mica on his own behalf from the lands described below.

This permit is hereby granted to the said..... to extract mica in his own behalf from the lands described below.

This permit is valid up to and including the..... day of .....194 .

The permit-holder shall transport all mica extracted by him from the said lands only by the routes specified below.

The permit-holder shall sell all mica extracted by him from the said lands only at the places specified below.

This permit is granted subject to the further conditions that—

(a) the holder of the permit shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possesses a dealer's licence, and

(b) the holder of the permit shall not sell any mica to any person resident or carrying on business in Bihar outside a controlled area unless such person is in possession of an authorisation granted under clause 17.

*Description of lands.*

Name of village with thana and thana number in which the land is situated.	Settlement plot number.	Boundaries.

(Signature).....

*District Magistrate.*

Routes.....

Places of sale.....

[Orders under Rule 81 (2), Defence of India Rules.]

FORM F.

[See CLAUSE 15.]

*Form of pass.*

<sup>1</sup>[Note.—A pass in this Form is required for the transport or removal under clause 15 of all descriptions of mica including manufactured mica.]

Book No.....

Serial No.....

1. Date of issue.....

2. Time of issue.....

3. Issued by.....

4. Number and date of licence or proprietor's certificate of person by or on whose behalf the pass is issued.....

5. Quantity and size of mica.

or

if mica has not been sorted into sizes, quantity and description.....

6. Place from which the mica is being transported or removed .....

7. Destination of the mica.....

8. Name of person to whom the mica is to be consigned.....

9. Signature of person issuing the pass.....

(Entries against, 3, 5 and 8 must be written in block capitals.)

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<sup>1</sup>Ins., Labour Dept. Notfn. No. M.-1272, dated the 11th July, 1940.

[Orders under Rule 81 (2), Defence of India Rules.]

## FORM G.

[See CLAUSE 17.]

Fee—One rupee.

*Authorisation for the transport of mica, beyond the limits of the controlled areas.*<sup>1</sup>[Note.—An authorization in this Form is required for the transport or removal under clause 17 of all descriptions of mica including manufactured mica.]

1 <sup>2</sup> [Name, residence and business, if any, of person authorised (state whether consignor or consignee)].	Mica.		3 <sup>2</sup> [Place from which transported]	4 <sup>2</sup> [Final destination and route thereto].	5 <sup>2</sup> [Name, residence and business, if any, of consignee or consignor (whichever is not covered by column 1)].	6 Period for which the authorisation is valid.
	Quantity.	Size or, if mica has not been sorted into sizes, description.				

Dated

(Signature).....

Authorising Officer.

*Conditions.*

1. This authorisation is granted subject to the provisions of the Mica Control Order, 1940.
2. Mica shall not be conveyed by any route other than that specified in column <sup>2</sup>[4]; and bulk shall not be broken, or the consignment stopped, before the mica reaches the place of destination.
3. An account of the contents of each package shall be legibly written thereon.

<sup>1</sup> Ins., Labour Dept. Notfn. No. M.-1273, dated the 11th July, 40.Substituted, *ibid*.



[Orders under Rule 81 (2), Defence of India Rules.]

FORM H.

[See PARA. 2 OF THE THIRD SCHEDULE.]

Return of crude mica for the month of.....19 .

Name of the licensee registered proprietor No. and nature of licence. No. of certificate

Name of the place in respect of which a licensee or registered proprietor has given a notice under clause 12 of the Mica Control Order, 1940, and police-station.

	Quantity.		Remarks.
	Large (4 and up).	Small (5 and down).	
	Md. sr. ch.	Md. sr. ch.	
1. Opening balance . . .			
2. Receipts during the month—			
(i) From mines . . .			
(ii) From other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.			
(iii) From dump . . .			
(iv) Purchased . . .			
(v) *Other sources . . .			
3. Total receipt . . .			
4. Issues during the month—			
(i) Issued for cutting . . .			
(ii) Despatched to other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.			
(iii) Sold . . .			
(iv) *Otherwise disposed of.			
5. Total issue . . .			
6. Results of cutting—			
(i) Mixed blocks . . .			
(ii) Uncut <i>chillas</i> . . .			
7. Closing balance . . .			

Signature of the licensee or his authorised agent.

Date

\*Entries against serials 2 (v) and 4 (iv) must be explained in the remarks column.

[Orders under Rule 81 (2), Defence of India Rules.]

## FORM I.

[PARAGRAPH 2 OF THE THIRD SCHEDULE.]

Return of <sup>1</sup>[mixed] blocks and uncut chillas for the  
month of.....19 .

Name of the	licensee	No. and nature of licence
	registered proprietor	No. of certificate

Name of the place in respect of which a licensee or  
registered proprietor has given notice under Clause  
12 of the Mica Control Order, 1940 and police  
station.....

	Quantity.		Remarks.
	Mixed block	Uncut chillas.	
	Md. sr. ch.	Md. sr. ch.	
1. Opening balance . . . . .			
2. Receipts during the month—			
(i) From crude mica . . . . .			
(ii) From other places in respect of which a licensee or register- ed proprietor has given notice under clause 12 of the Order.			
(iii) From dump . . . . .			
(iv) Purchased . . . . .			
(v) *Other sources. . . . .			
3. Total receipt . . . . .			
4. Issues during the month—			
(i) Issued for sorting . . . . .			
(ii) Despatched to other places in respect of which a licensee or registered proprie- tor has given notice under clause 12 of the Order.			
(iii) Sold . . . . .			
(iv) *Otherwise disposed of . . . . .			
5. Total issue . . . . .			
6. Closing balance . . . . .			

Signature of the licensee or his authorised agent.....

Date.....

\*Entries against serials 2 (v) and 4 (iv) must be explained in the  
remarks column.<sup>1</sup> Subs., Labour Dept. Notfn. No. M.-1273, dated the 11th July,  
1940.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM J.

[Paragraph 2 of the Third Schedule.]

Return of sorted blocks for the month of.....19

Name of the licensee registered proprietor  
Name of the place in respect of which a licensee or registered proprietor has given notice under clause 12  
of the Mica Control Order, 1940 and police station.....

No. and nature of licence

No. of certificate.

	Quantity.								Remarks.
	Special.	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 5b.	No. 6.	
	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.
1. Opening balance									
2. Receipts during the month—									
(i) From sorting									
(ii) From other places in respect									
of which a licensee or regis-									
tered proprietor has given									
notice under clause 12 of the									
Order.									
(iii) Purchased									
(iv) Other sources									
3. Total receipt									
4. Issues during the month—									
(i) Despatched to other places in									
respect of which a licensee or									
registered proprietor has given									
notice under clause 12 of the									
Order.									
(ii) Sold or exported									
(iii) Issued for splitting									
(iv) Otherwise disposed of									
5. Total issue									

Signature of the licensee or his authorised agent..... Date.....

\* Entries against serials 2 (iv) and 4 (iv) must be explained in the remarks column.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM K.

[See para. 2 of the Third Schedule.]

Return of cut chillas for the month of 194 .

Name of the licensee		No. and nature of licence		
Name of the registered proprietor		No. of certificate		
Name of the place in respect of which a licensee or registered proprietor has given notice under clause 12 of the Mica Control Order, 1940 and police station.....				
		Quantity.		Remarks.
		No. 4 and up.	No. 5 and down.	
1. Opening balance		Md. sr. ch.	Md. sr. ch.	Md. sr. ch.
2. Receipts during the month :—				
(i) From uncut chillas				
(ii) From blocks				
(iii) From other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.				
(iv) Purchased				
(v) *Other sources				
3. Total receipt				
4. Issues during the month :—				
(i) Despatched to other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.				
(ii) Sold or exported				
(iii) Issued for splittings				
(iv) *Otherwise disposed of				
5. Total issue				
6. Closing balance				

Signature of the licensee or his authorised agent.....

Date.....

\*Entries against serials 2 (v) and 4 (iv) must be explained in the remarks column.

[Orders under Rule 81 (2), Defence of India Rules.]

## FORM L.

[See para. 2 of the Third Schedule.]

Return of splittings for the month of .....194

licensee

No. and nature of licence

Name of the registered proprietor

No. of certificate

Name of the place in respect of which a licensee or registered proprietor has given notice under clause 12 of the Mica Control Order, 1940 and police station.....

	Quantity.			Remarks.
	Panpacked.	Book.	Loose.	
1. Opening balance . . . . .	Md. sr. ch.	Md. sr. ch.	Md. sr. ch.	
2. Receipts during the month— (i) From blocks and <i>chillas</i> . . . . .				
(ii) From other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.				
(iii) From dump . . . . .				
(iv) Purchase . . . . .				
(v) *Other sources . . . . .				
3. Total receipt . . . . .				
4. Issues during the month :— (i) Despatch to other places in respect of which a licensee or registered proprietor has given notice under clause 12 of the Order.				
(ii) Sold or exported . . . . .				
(iii) *Otherwise disposed of . . . . .				
5. Total issue . . . . .				
6. Closing balance . . . . .				

Signature of the licensee or his authorised agent.....

Date.....

\*Entries against serials 2 (v) and 4 (iii) must be explained in the remarks column.

[*Orders under Rule 81 (2), Defence of India Rules.*]

## THE SECOND SCHEDULE.

[*See CLAUSE 8.*]

### *Manner of Registration of Instruments.*

1. An application for the registration of an instrument referred to in clause 8 to the Order shall be made orally or in writing to the officer appointed by the Provincial Government under that clause to register such instruments for the area in which the land mentioned in the instrument is situated.

2. On the presentation to him of an instrument for registration under paragraph 1 the officer appointed under clause 8 of the Order shall satisfy himself—

- (a) that it is in a language commonly used in the district or is accompanied by a translation into such language, certified to be a true translation by a person known to such officer;
- (b) that the description of the land from which the extraction of mica is authorised is sufficient for the identification of such land;
- (c) that the application for registration is made by or on behalf of the person who is authorised by the instrument to extract mica;
- (d) that all interlineations, blanks, erasures and alterations are initialled by the person executing the instrument, or by the scribe if the executant is illiterate;
- (e) that, when an instrument presented for registration purports to have been executed by a person who cannot sign his name and has attested the document by means of a mark, the name of the executant has been entered in full in close proximity to that mark;
- (f) that the instrument bears the full address and father's name of the executant.

[*Orders under Rule 81 (2), Defence of India Rules.*]

3. When an instrument is presented for registration to an officer, other than the officer to whom application is required by paragraph 1 to be made, he shall return it to the applicant with an endorsement specifying the officer to whom it should be presented.

4. If the instrument does not comply with any of the conditions specified in paragraph 2, the instrument shall be returned to the applicant with one or more of the following endorsements :—

(a) requires a true translation in a language commonly used in the district;

(b) description of land insufficient;

(c) application not made by or on behalf of the person authorised by the instrument to extract mica;

(d) corrections not initialled;

(e) executant's name not written in full close to his mark;

(f) executant's address and/or father's name wanting.

5. If the requirements of paragraphs 1 and 2 are complied with, the registering officer shall endorse in red ink on the instrument, the words :—

“Registered at the.....Office.

Fee of one rupee paid. Applicant personally  
known to me  
\_\_\_\_\_”  
identified by

6. When a registering officer is not personally acquainted with the person applying for registration of an instrument, he shall require such person to be identified to his satisfaction.

7. When the registering officer registers any instrument under this Schedule, he shall cause the instrument to be copied into a register to be kept for this purpose.

[Orders under Rule 81 (2), Defence of India Rules.]

### THE THIRD SCHEDULE.

[See CLAUSE 10 (2).]

#### *The manner of submission of returns.*

1. Every licensee and every registered proprietor shall, not later than the 10th day of each month, submit to the officer authorised under clause 10 (2) of the Order, returns showing the stock of crude mica, unsorted blocks, sorted blocks, *chillas* and splittings which were in his possession on the first and last days of the month immediately preceding the month in which the returns are submitted, together with the totals of all additions to, issues from, or other transactions relating to, the stock during that month.

2. The returns referred to in paragraph 1 shall be in the following forms :—

- (i) Return of crude mica in Form H.
- (ii) Return of unsorted blocks and uncut *chillas* in Form I.
- (iii) Return of sorted blocks in Form J.
- (iv) Return of cut *chillas* in Form K.
- (v) Return of splittings in Form L.

3. The returns shall show separately the stock of each place in respect of which a licensee or a registered proprietor has given notice under clause 12 of the Order and shall either be delivered to the officer authorised under clause 10 (2) of the Order or sent by registered post to him.

4. When any return is delivered under paragraph 3 the officer authorised under clause 10 (2) of the Order shall give to the person who delivers such return an acknowledgment thereof in writing.

5. (a) If any licensee or registered proprietor suspends his business for a period exceeding one month and gives the notice required by paragraph 4 of the Fourth Schedule, he shall not be required to submit the returns referred to in paragraph 2 of this Schedule for the period during which his business is so suspended.



[Orders under Rule 81 (2), Defence of India Rules.]

(b) Such licensee or registered proprietor shall not re-open his business after such suspension until he has given a notice of his intention to do so to the officer authorised under clause 10 (2) of the Order and shall, after he has re-opened his business, submit the returns referred to in paragraph 2 of this Schedule.

6. When the licence of a licensee is cancelled under clause 23, or ceases to be in force under sub-clause (3) of clause 6, of the Order, the licensee shall, if he exercises the right conferred on him by sub-clause (3) of clause 4 of the Order, submit returns for a period of 6 months after expiry of the licence or until the disposal of his stock, whichever is earlier.

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#### THE FOURTH SCHEDULE.

[See CLAUSE 12.]

*Notice of places used for storing mica or for preparing the same for sale.*

1. The notice shall be given—

- (a) in respect of a place used for storing mica for sale on the date when this Order comes into force, within 30 days of such date;
- (b) in respect of any such place first so used at any time after this Order comes into force, within 24 hours after the commencement of such use.

2. (1) Every such notice shall be in writing and shall either—

- (a) be delivered to the officer authorised under clause 12 of the Order, or sent by registered post to him, or
- (b) be delivered to the Officer in charge of the police station within the limits of which the place referred to in the notice is situated, for forwarding to the officer authorised under clause 12 of the Order :

Provided that if the person who is required to give notice is illiterate, he may give such notice orally to the Officer mentioned in this paragraph.

[*Orders under Rule 81 (2), Defence of India Rules.*]

(2) The officer to whom a notice is delivered under this paragraph, whether orally or in writing, shall give to the person who delivers such notice an acknowledgment thereof in writing.

3. Every such notice shall contain such particulars as may be sufficient to locate and identify the place or places referred to therein and shall state—

(a) in the case of a building—

(i) the name of the village with thana and thana number and settlement plot number or, if such building is situated in a municipality, the ward and the number of the holding on which such building is situated ;

(ii) the name of the owner of the building ; and

(iii) a description of the building :

(b) in the case of a place other than a building—

(i) the name of the village with thana and thana number and settlement plot number or, if such place is situated in a municipality, the ward and the number of the holding in which such place is situated ;

(ii) the name of the owner of the place ; and

(iii) the description of the place.

4. Any licensee, registered proprietor or digger who intends to close for a period exceeding two weeks any place or places in respect of which he has given a notice under this Schedule shall, before he closes such place or places, inform the officer authorised under clause 12 of the Order by registered post of his intention to do so.

[*Gazette of India*, 1940, Extraordinary, p. 179.]

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*Labour Dept., No. M.-1273 (1), dated the 27th May, 1940.*—In pursuance of sub-clause (2) of clause 1 of the Mica Control Order, 1940,<sup>1</sup> the Central Government is pleased to direct that clauses, other than clauses 1, 2, 3, 17, 18 and 21, of the said Order shall extend to the areas comprised in the police thanas specified in column 3 of the table below being parts of the districts specified

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<sup>1</sup> *Supra*, p. 245.

[Orders under Rule 81 (2), Defence of India Rules.]

in the corresponding entries in column 1 thereof, and situated in the revenue thanas specified in column 2 of the said table :—

District. 1	Revenue thana. 2	Police thana. 3
1. Hazaribagh	Barhi . . .	Barhi and Barakatha.
2. Ditto .	. Kodarma . . .	Kodarma and Jainagar.
3. Ditto .	. Chauparan . . .	Chauparan.
4. Ditto .	. Gawan . . .	Gawan and Satgawan.
5. Ditto .	. Dhanwar . . .	Dhanwar and Birni.
6. Ditto .	. Kharagdiha . . .	Jamua and Deori.
7. Ditto .	Giridih . . .	Giridih, Bengabad and Gande.
8. Gaya . .	. Rajauli . . .	Rajauli.
9. Ditto .	. Pakribarwan . . .	Kauakol.
10. Ditto .	. Barachatti . . .	Fatehpur.
11. Monghyr	Chakai . .	Chakai.
12. Ditto .	. Chakai . . .	Jhajha.
13. Ditto .	. Jamui . . .	Jamui.

[Gazette of India, 1940, Extraordinary, p. 205.]

Labour Dept., No. M.-1273, dated the 23rd September, 1940.—In pursuance of sub-clause (2) of clause 1 of the Mica Control Order, 1940,<sup>1</sup> the Central Government is pleased to direct that clauses, other than clauses 1, 2, 3, 17, 18 and 21, of the said Order shall extend to the area in the jurisdiction of the Sadr Police Station of the district of Hazaribagh.

[Gazette of India, 1940, Extraordinary, p. 549.]

Labour Dept., No. M.-1273, dated the 21st July, 1941.—In pursuance of sub-clause (2) of clause 1 of the Mica Control Order, 1940,<sup>1</sup> the Central Government

<sup>1</sup> *Supra*, p. 245.

[*Orders under Rule 81 (2), Defence of India Rules.*]

is pleased to direct that clauses, other than clauses 1, 2, 3, 17, 18 and 21, of the said Order shall extend to the areas comprised in the Banka, Katoria and Belhar police stations of the Bhagalpur District.

[*Gazette of India*, 1941, Pt. I, p. 1077.]

*Labour Dept., No. M.-1273, dated the 6th August, 1941.*—In pursuance of sub-clause (3) of clause 17 of the <sup>1</sup>Mica Control Order, 1940, and in supersession of the notification of the Government of India in the Department of Labour, No. M.-1273, dated the 27th December, 1940, the Central Government is pleased to appoint the following officers to grant authorisations in Form G under the said clause :—

- (1) The Mica Inspector to the Government of India.
- (2) The Additional Mica Inspector to the Government of India.
- (3) The Director, Geological Survey of India.
- (4) Mr. A. R. Palit.

[*Gazette of India*, 1941, Pt. I, p. 1155.]

*Commerce Dept., No. 160-M. I. W. (3)/40, dated the 19th September, 1940.*—Whereas it appears to the Central Government to be necessary so to do for securing the efficient prosecution of the war, and for maintaining supplies and services, essential to the life of the community ;

NOW THEREFORE, in exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct—

- (a) that freights or fares for the carriage of cargoes or passengers in any vessel registered in British India under the Merchant Shipping Act, 1894, shall not be charged at rates higher than those which were being charged for the carriage of cargoes or passengers in or on any such vessel, or vessels of a similar class, engaged in voyages of a like nature, on the 1st June 1940 ;

[Orders under Rule 81 (2), Defence of India Rules.]

- (b) that no vessel registered in British India under the Merchant Shipping Act, 1894, shall be hired for any purpose at rates higher than those which may from time to time be fixed by the Central Government.

[Gazette of India, 1940, Pt. 1, p. 1351.]

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Commerce Dept., No. 135-M. 1. W. (48)/40, dated the 23rd November, 1940.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Cargoes and Claims (Information) Order, 1940.

2. In this Order—

(a) The expression “enemy” has the same meaning as in Part XV of the Defence of India Rules;

(b) The expression “ship to which this Order relates” means a ship owned or controlled by any person, who is an enemy.

3. Any person who at the date of this Order carries on any undertaking by way of any trade or business, and—

(a) owns or has any legal or beneficial interest in any cargo lying in a ship to which this Order relates (other than a ship owned or controlled by a person who was an enemy prior to the 9th day of April 1940), or in any cargo which having been landed from such a ship, is in the possession or control of the owner, charterer or master of any such ship; or

(b) has or claims to have any cause of action whether in respect of any such cargo or otherwise against any such ship or against the owner, charterer or master thereof,

shall within one month of that date send to the Secretary to the Government of India, Department of Commerce, New Delhi, three signed copies of a return in

[*Orders under Rule 81 (2), Defence of India Rules.*]

writing specifying so far as is practicable the following particulars as at that date, that is to say—

- (i) the nature, quantity and value of any such cargo, stating where, and in what ship it is lying or, if not on board ship, where and in whose possession or control it is;
- (ii) the nature of any document in his possession or control evidencing his ownership of or interest in any such cargo;
- (iii) the date and amount of any payments made by him in respect of freight charges on any such cargo, stating to whom such payments were made;
- (iv) the port of loading and the port of destination of any such cargo; and
- (v) the nature and extent of the cause of action that is claimed to exist in respect of any such cargo or otherwise against any ship to which this Order relates, or against the owner, charterer or master thereof.

[*Gazette of India. 1940, Pt. I, p. 1647.*]

*Supply Dept., No. 38, dated the 15th February, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

MACHINE TOOL CONTROL ORDER, 1941.

1. *Short title, extent and commencement*—

- (1) This Order may be called the Machine Tool Control Order, 1941.
- (2) It extends to the whole of British India.
- (3) It shall come into force on the first day of March, 1941.

2. *Definitions.*—In this Order, unless there is something repugnant in the subject or context,—

- (a) “Machine Tool” includes any mechanical contrivance for cutting, forming, abrading, polishing, or otherwise working or treating wood or metal, any standard equipment usually sold therewith, and any machinery ancillary to the operation thereof;

[Orders under Rule 81 (2), Defence of India Rules.]

- (b) "Machine Tool Controller" means any officer appointed by the Central Government to exercise all or any of the powers of the Machine Tool Controller under this Order;
- (c) "Scheduled Machine Tool" means a machine tool entered in the Schedule to this Order.

3. *Licensing of import, production, and sale of Scheduled Machine Tools* :—

(1) No person shall be engaged in—

- (a) the import into British India from any place outside India,
- (b) the production, or
- (c) the sale,

of any scheduled machine tool <sup>1</sup>[or any component part thereof] except under and in accordance with a licence granted by the Machine Tool Controller in Form A appended to the Order.

(2) A licence granted by the Machine Tool Controller may specify :—

- (a) the description and numbers of scheduled machine tools which may be imported, produced, or as the case may be kept for sale, or sold by the licensee,
- (b) the place or places at which any premises of the licensee shall be located;
- (c) the persons or classes of persons to whom, and the purposes for which scheduled machine tools may be sold;

(d) the period for which the licence shall be valid; and may require the licensee to comply with any directions given by the Machine Tool Controller as to the types, numbers, and design, of the scheduled machine tools to be imported, produced or kept for sale from time to time.

(3) The Machine Tool Controller may, for reasons to be recorded in writing cancel any licence granted under this clause.

4. *Acquisition of Scheduled Machine Tools*.—No person shall acquire any scheduled machine tool from any person in India except under an authorisation by the Machine Tool Controller in Form B appended to this Order.

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<sup>1</sup> Ins., Supply Dept., Notfn. No. 101, dated the 22nd March, 1941.

[*Orders under Rule 81 (2), Defence of India Rules.*]

5. *Inspection of Premises.*—The Machine Tool Controller, or any officer authorised by him in writing in this behalf, may enter upon and inspect any premises in which machine tools are or are reasonably believed to be produced, kept for sale, sold, or used.

6. *Supply of accounts and other information.*—Every person engaged in the import, production, sale, or use of machine tools shall :—

- (a) keep such books, accounts, or other records relating to his undertaking as the Machine Tool Controller may direct;
- (b) produce to the Machine Tool Controller, or to any officer authorised by him in writing in this behalf, such books, accounts, or other records relating to his undertaking as may be demanded by the Machine Tool Controller or other officer as aforesaid;
- (c) furnish to the Machine Tool Controller such estimates, returns, and other information as the Machine Tool Controller may require;
- (d) permit the Machine Tool Controller, or any officer authorised by him in writing in this behalf, to enter upon and inspect any premises used for, or in connection with, his undertaking.

#### THE SCHEDULE.

All 1\* \* \* machine tools of the following types  
 : 2\* \* \* \* \* including any standard equipment or  
 : ancillary machinery usually supplied therewith :—

1 \* \* \*  
 2 \* \* \*

##### *Section One—*

Milling . . . . .	2 * *
Diesinking.	
Engraving.	
Keyseating.	
Broaching.	
Oil Grooving.	
Splining.	
Profile Slotting.	
Marking.	

<sup>1</sup> Words omitted, Supply Dept. Notfn. No. 101, dated the 22nd March, 1941.

<sup>2</sup> Words and figures omitted, Supply Dept., Notfn. No. 312, dated the 21st July, 1941.



[*Orders under Rule 81 (2), Defence of India Rules.*]

1 \* \*

*Section Thirteen—*

Air Compressors	} For workshop use as apart from	
Fans & Blowers		
	Mining, Quarrying, Air Con-	
	ditioning, etc. . . . .	1 *

*Section Fourteen—*

Sheet Metal Working Machinery (other than hand power types) including Shears, Punches, Presses, Benders, Brakes, Guillotines Plate Straighteners and Rollers . . . . .	1 *
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*Section Fifteen—*

Automatic Bar and Chucking Machines, single and multiple spindle . . . . .	1 *
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*Section Sixteen—*

Gear Cutting . . . . .	1 *
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*Section Seventeen—*

Shaping . . . . .	1 *
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Slotting.

Planing.

*Section Eighteen—*

Vertical Boring and Turning Mills . . . . .	1 *
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Horizontal Boring.

Jig Boring.

*Section Nineteen—*

Special and Standard machines particularly used in Railway Workshops, but not otherwise specified . . . . .	1 *
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*Section Twenty—*

Oxygen Cutting . . . . .	1 *
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Oxy-acetylene Generating.

Plant for welding and cutting.

Electric Welding.

*Section Twenty-one—*

Wood-working machinery other than hand worked or small "Home-craft" types . . . . .	1 *
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<sup>1</sup>Words and figures omitted, Supply Deptt. No. 312, dated the 21st July 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM A

Serial No.....

MACHINE TOOL CONTROL ORDER, 1941.

License to           \*import            
produce scheduled machine tools.  
sell or keep for sale

(Free of all fee.)

          is\*           hereby licensed to           \*import            
are produce  
sell or keep for sale

the following scheduled machine tools :—

Description.	Number which may be			*Sold.
	*import- ed.	*pro- duced.	*kept for sale.	

2. The premises of the licensee shall be located at the following place\*.  
places

\*3. The licensee shall sell scheduled machine tool only to the following persons or classes of persons and for the following purposes :—

Persons or classes of persons.	Purposes.

4. This licence is granted subject to the provisions of the MACHINE TOOL CONTROL ORDER, 1941. a copy of which is printed as part of the licence.

\*Strike out words which are inapplicable.

[Orders under Rule 81 (2), *Defence of India Rules.*]

5. The validity of this licence expires on——.

6. The licensee shall comply with any directions given by the Machine Tool Controller as to the types, number and design of the scheduled machine tools to be imported, produced, or kept for sale from time to time.

(Signed)

Machine Tool Controller.

Machine Tool Control Order, 1941, to be printed in *extenso* on back of licence form.

FORM B.

Serial No.....

MACHINE TOOL CONTROL ORDER, 1941.

Authorisation to acquire scheduled machine tools.

(Free of all fee.)

.....is hereby authorised to acquire the following scheduled machine tools:—

Description.	Number.	Name of person from whom tool(s) will be acquired.

2. The validity of this authorisation expires on.....

(Signed)

Machine Tool Controller.

[*Gazette of India*, 1941, Pt. I, p. 237.]

*Supply Dept., No. 79, dated the 8th March, 1941.*—  
In exercise of the powers conferred by sub-rule (2) of rule 81 of the *Defence of India Rules*, the Central Government is pleased to make the following Order.

1. (1) This Order may be called the Undertakings (Charges and Accounts) Order, 1941.

(2) It shall come into force at once.

[Orders under Rule 81 (2), Defence of India Rules.]

2. Where by an order made under clause (c) of sub-rule (2) of rule 81 of the Defence of India Rules any work is required to be done by an undertaking, the charges which may be made by the undertakers in respect of the doing of the work shall, in default of agreement with the undertakers, be fixed by order of the Central Government or of an officer authorised by the Central Government in this behalf.

3. An appeal shall lie from an order made under paragraph 2 to an authority appointed in this behalf by the Central Government, which shall in deciding the appeal comply with any directions given to it by the Central Government as to the principles to which it shall have regard, and as to any supplementary matters for which it is in the opinion of the Central Government necessary or expedient to provide.

4. (1) In this paragraph, the expression "authorised officer" means a Director General or Deputy Director General in the Department of Supply, a Chief Controller of Purchase, or any officer of the Supply Finance Branch, including a Cost Accounts Officer and an Assistant Cost Accounts Officer.

(2) Any person carrying on, or employed in connection with, an undertaking by which work is required to be done as aforesaid, shall, if required to do so by the authorised officer,—

(a) produce to the authorised officer any books, accounts and records relating to the undertaking;

(b) furnish to the authorised officer such information relating to the accounts or the financial position of the undertaking as he may require;

(c) keep such books, accounts or records as the authorised officer may direct, being books, accounts or records the keeping of which is in the opinion of the authorised officer necessary to enable the fair determination of charges in respect of the doing of work by the undertaking;

and the authorised officer may take or cause to be taken copies of or extracts from any books, accounts or records produced or kept under the provisions of this paragraph.

[Gazette of India, 1941, Pt. I, p. 369.]

[*Orders under rule 81 (2), Defence of India Rules.*]

Commerce Dept., No. 104-Ind. (4)/41, dated the 31st May, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

*Newsprint Control Order, 1941.*

1. *Short Title.*—This Order may be called the Newsprint Control Order, 1941.

2. *Definitions.*—In this Order,—

(a) “Form” means a Form appended to this Order ;

(b) “newsprint” means white printing paper, in reels or in sheets, the fibre content of which comprises not less than 70 per cent. of mechanical wood pulp.

<sup>1</sup>[3. *Restriction on sale and use of newsprint.*—Except under a permit in Form I or Form II, as the case may be, obtained from the Central Government or an officer authorised by the Central Government in this behalf, or under an Open General Permit issued by the Central Government—

(a) no person shall, after the 15th June 1941, sell newsprint otherwise than to the proprietor of a newspaper press or of a newspaper, and

(b) after the 15th June, 1941, no proprietor of a newspaper press, or after the 15th September, 1941 no proprietor of a newspaper, shall use newsprint for any purpose other than the printing of newspapers (including supplements and annuals thereof.)]

4. *Submission of returns by proprietors of newspaper presses.*—Every proprietor of a newspaper press shall submit to the Secretary to the Government of India in the Department of Commerce—

(a) not later than the 30th June 1941, a true return in Form III, in respect of each newspaper printed at his press, and

(b) on or before the 15th day of every month commencing with the 15th June 1941, a

<sup>1</sup>Subs., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 6th September 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

true return in Form IV of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding <sup>1</sup>[calendar] month.

<sup>2</sup>[5. *Submission of returns by proprietors of newspapers.*—Every proprietor of a newspaper shall submit to the Chief Controller of Imports, Imperial Secretariat, New Delhi, on or before the 15th day of every month commencing with the 15th September, 1941, a true return in Form IV of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding calendar month.

6. *Submission of returns by proprietors of newspapers first published in 1941.*—Every proprietor of a newspaper first published in 1941 shall submit to the Chief Controller of Imports, Imperial Secretariat, New Delhi, not later than the 30th September, 1941, a true return in Form III-A in respect of each such newspaper.]

<sup>3</sup>[(7)]. *Submission of returns by other persons.*—Every person, other than the proprietor of a newspaper press, <sup>2</sup>[or of a newspaper], carrying on any undertaking which involves the sale, storage or distribution of newsprint, shall, on or before the 15th day of every month commencing with the 15th June 1941, submit to the Secretary to the Government of India in the Department of Commerce—

4\* \* \* \*

4\* \* a true returns in Form VI of the stocks of newsprint held, acquired and disposed of by him during the preceding <sup>1</sup>[calendar] month.

<sup>1</sup> <sup>3</sup>[(8)] The returns required by clause (b) of para. 4 and by paragraph <sup>5</sup>[7] shall, after the 19th July 1941, be submitted to the Chief Controller of Imports, Imperial Secretariat, New Delhi.]

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<sup>1</sup>Ins., Commerce Dept. Notfn. No. 104, Ind. (9)/41, dated the 19th July 1941.

<sup>2</sup>Ins., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 6th September 1941.

<sup>3</sup>Renumbered, *ibid*.

<sup>4</sup>Words omitted, Commerce Dept. Notfn. No. 104-Ind. (4)/41, dated the 27th December 1941.

<sup>5</sup>Subs., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 6th September 1941.

[*Orders under Rule 81 (2), Defence of India Rules.*]

FORM I.

Serial No.....

NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 3.)

*Permit to sell newsprint.*

(Free of all fee.)

..... is/are hereby authorised to sell the undernoted newsprint to the undernoted persons :—

Description.	Quantity.	Purchaser.	Remarks.

2. This permit is granted subject to the provisions of Newsprint Control Order, 1941, a copy of which will be printed as part of this permit.

Dated.....1941.

*Secretary to the Government of India..*

FORM II.

THE NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 3.)

*Permit to use newsprint for other purposes than the printing of newspapers.*

(Free of all fee.)

..... is/are hereby authorised to use

[Orders under Rule 81 (2), Defence of India Rules.]  
the undernoted newsprint for the undernoted purposes :—

Description.	Quantity.	Purposes for which intended.	Remarks.

2. This permit is granted subject to the provisions of Newsprint Control Order, 1941, a copy of which will be printed as part of this permit.

Dated.....1941.

*Secretary to the Government of India.*

### FORM III.

#### THE NEWSPRINT CONTROL ORDER, 1941.

[Paragraph 4 (a).]

Name of the newspaper press.....

Full address .....

I/We declare that the following is a true account in respect of the.....

(name of newspaper)

1. Consumption of newsprint during the year ending December, 1940.

(a) In reels (No.).....In tons.....

(b) In sheets (Reams) ..... In tons.....

2. Size of the page of newspaper.....

3. Average number of pages of the newspaper in the year 1940.....

4. Number of issues of the newspaper in the year 1940.....

<sup>1</sup>[Note.—A separate return should be made in this Form in respect of each newspaper.]

Date.....

Signature.

<sup>1</sup>Ins., Commerce Dept. Notfn. No. 104-Ind. (9)/41, dated the 19th July 1941.



[*Orders under Rule 81 (2), Defence of India Rules.*]

<sup>1</sup>[FORM III-A.]

THE NEWSPRINT CONTROL ORDER, 1941.

(Paragraph 6.)

Name of the newspaper.....

Full address .....

I/We declare that the following is a true account in  
respect of .....

(Name of newspaper).

1. Date on which the newspaper was started.....

2. Consumption of newsprint from the date of  
first issue to 31st August, 1941 :—

(a) In reels (No.)..... In tons.....

(b) In sheets (No. of reams).....  
In tons.....

3. Size of the page of <sup>2</sup>[newspaper].....

4. Average number of pages per issue of the news-  
paper from the date of first issue to the  
31st August 1941.....

5. Number of issues of the newspaper from the  
date of first issue to the 31st August  
1941.....

6. Name of press in which newspaper is printed...  
.....

*Note.*—A separate return should be made in this  
Form in respect of each newspaper.

Date.....

Signature.]

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<sup>1</sup>Ins., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 6th September 1941.

<sup>2</sup>Subs., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 23rd September 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

<sup>1</sup>[FORM IV.

THE NEWSPRINT CONTROL ORDER, 1941.

[Paragraph 4 (b).]

Return of Consumption of newsprint for the month of.....194 .

Name of the newspaper press <sup>2</sup>[or newspaper].....

Full address .....

I/We declare that the following is a true account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of.....194 .

	Newsprint in reels.		Newsprint in sheets.	
	No. of reels.	Weight in tons.	No. of reams.	Weight in tons.
1. Amount of stock in hand at the end of the last preceding month . . . . .				
2. Amount of stock acquired during the month from . . . . .				
3. Total of items 1 and 2 . . . . .				
4. Amount of stock consumed during the month in the production of newspaper . . . . .				
5. Amount of stock otherwise of during the month . . . . .				
To (a) . . . . .				
6. Total of items 4 and 5 . . . . .				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month . . . . .				

N. B.—(a) Here enter names of persons or proprietors of newspaper presses <sup>2</sup>[or newspapers].

Date.....

Signature.]

<sup>1</sup>Subs., Commerce Dept. Notfn. No. 104-Ind. (9)/41, dated the 19th July 1941.  
<sup>2</sup>Ins., Commerce Dept. Notfn. No. 104-Ind. (19)/41, dated the 5th September, 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

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## FORM VI.

## THE NEWSPRINT CONTROL ORDER, 1941.

[Paragraph <sup>2</sup>[7] <sup>3</sup>\* \*.]

*Return of stocks of newsprint for the month*  
*of 194 .*

Name .....

Full address .....

I/We declare that the following is a true account of  
 the stocks of newsprint held, acquired and disposed of by  
 me/us during the month of.....194 .

	Newsprint in reels.		Newsprint in sheets.	
	No. of reels.	Weight in tons.	No. of reams.	Weight in tons.
1. Amount of stock in hand at the end of the last preceding month . . . . .				
2. Amount of stock acquired during the month . . . . .				
3. Total of items 1 and 2 . . . . .				
4. Amount of stocks disposed of during the month . . . . .				
5. Amount under item 3 less amount under item 4, being amount in stock at the end of the month. . . . .				

Date.....

Signature.

[*Gazette of India*, 1941, Extraordinary, p. 325.]

<sup>1</sup>Form V omitted, Commerce Dept. Notfn. No. 104-Ind. (4)/41 dated the 27th December 1941.

<sup>2</sup>Subs, Commerce Dept. Notfn. No. 104. Ind. (19)/41, dated the 6th September, 1941.

<sup>3</sup>Brackets and letter omitted, Commerce Dept. Notfn. No. 104-Ind. (4)/41, dated the 27th December 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

Commerce Dept., No. 104-Ind. (17)/41, dated the 16th August, 1941.—In pursuance of paragraph 3 of the <sup>1</sup>Newsprint Control Order, 1941, the Central Government is pleased to authorise the Chief Controller of Imports to grant permits for the purposes of the said paragraph.

[Gazette of India, 1941, Pt. I, p. 1162.]

Commerce Dept., No. 104-Ind. (4)/41, dated the 15th August, 1941.—The following Open General Permit issued by the Central Government under paragraph 3 of the notification of the Government of India in the Department of Commerce <sup>1</sup>No. 104-Ind. (4)/41, dated the 31st May, 1941, is published for general information.

#### NEWSPRINT CONTROL ORDER, 1941.

##### Open General Permit No. 1.

In pursuance of paragraph 3 of the <sup>1</sup>Newsprint Control Order, 1941, the Central Government gives general permission to all persons, other than proprietors of newspaper presses <sup>2</sup>[or of newspapers], to sell to any person any newsprint except such as has been covered by:—

- (a) a special licence issued to the proprietor of a <sup>2</sup>[newspaper press or of a] newspaper under clause (vii) of Notification of the Government of India in the Commerce Department<sup>3</sup> No. 1-I. T. C./40, dated the 20th May, 1940, or <sup>2</sup>[under clause (vi) of the notification of the Government of India in the Department of Commerce<sup>4</sup> No. 56-I. T. C./41, dated the 23rd August, 1941, or];
- (b) a special licence issued under <sup>2</sup>[either of] the said <sup>5</sup>[clauses] to a person other than the proprietor of a newspaper, but on account

<sup>1</sup>Supra, p. 286.

<sup>2</sup>Ins., Commerce Dept. Notfn. No. 104-Ind. (21)/41, dated the 11th October 1941.

<sup>3</sup>See now Commerce Dept. No. 56-I.T.C./41, dated the 23rd August 1941, *infra* p. 379.

<sup>4</sup>*Infra* p. 379.

Subs., *ibid*.

[*Orders under Rule 81 (2), Defence of India Rules.*]

of and against an import quota for news-print allotted by the Chief Controller of Imports to the proprietor of a newspaper.

[*Gazette of India*, 1941, Extraordinary, p. 495.]

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Commerce Dept., No. 156-Ind. (58)/41, dated the 21st June, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, and in supersession of the Aluminium Control Order, 1941, published with the notification of the Government of India in the Department of Commerce, No. 156-Ind. (2)/40-A, dated the 10th March, 1941, the Central Government is pleased to make the following Order, namely :—

ALUMINIUM CONTROL ORDER, 1941.

1. *Short title.*—This Order may be called the Aluminium Control Order, 1941.

2. *Definitions.*—In this Order unless there is something repugnant in the subject or context :—

(a) “unmanufactured aluminium” and “unmanufactured aluminium alloy” mean respectively—

(i) any unwrought aluminium and any unwrought aluminium alloy (whether virgin, secondary, or re-melted) in ingots, notch bars, rolling slab, wire bar, billets or in any other form, or

(ii) any aluminium or aluminium alloy in partially manufactured form, including sheets and circles, or

(iii) aluminium and aluminium alloy rolled from scrap ;

(b) “aluminium alloy” means any alloy (whether virgin, secondary or re-melted) containing not less than forty per centum by weight of aluminium ;

(c) “Form” means a Form appended to this Order.

[Orders under Rule 81 (2), Defence of India Rules.]

3. *Registration of manufacturers and dealers.*—(1) No person shall engage in any undertaking which involves the use of unmanufactured aluminium or unmanufactured aluminium alloy for the purpose of any manufacturing process except under and in accordance with a registration certificate in Form A obtained from the Central Government in the Commerce Department <sup>1</sup>[or in Form A appended to the superseded Aluminium Control Order, 1941, which shall be deemed to have been granted subject to the provisions of this Order].

(2) A registration certificate granted by the Central Government may specify—

- (a) the amount of unmanufactured aluminium or unmanufactured aluminium alloy which may be used monthly in manufacturing processes by a person holding the registration certificate;
- (b) the description of the aluminium products which may be manufactured by a person holding the registration certificate;
- (c) the place or places at which any premises of the person holding the registration certificate shall be located;

and may require the person holding the registration certificate to comply with any directions given by the Central Government, or by any officer duly authorised in writing in this behalf by the Central Government, as to the partial or complete discontinuance of the manufacture of products specified therein.

(3) The Central Government may at any time cancel any certificate granted under this clause.

4. No person shall, sell or otherwise transfer any unmanufactured aluminium or unmanufactured aluminium alloy except under a permit in Form B obtained from the Central Government in the Commerce Department or any officer duly authorised in this behalf.

5. *Inspection of premises.*—Any officer authorised by the Central Government in writing in this behalf may

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<sup>1</sup>Added, Commerce Dept. Notfn. No. 156-Ind. (58)/41, dated the 9th August 1941.

[*Orders under Rule 81 (2), Defence of India Rules.*]

enter upon and inspect any premises in which he has reason to believe—

- (a) that goods are being manufactured from unmanufactured aluminium or unmanufactured aluminium alloy, or
- (b) that manufactured aluminium or unmanufactured aluminium alloy are kept for sale, or sold.

6. *Submission of return of stocks, supply of Accounts and other information.*—Every person carrying on any undertaking which involves the treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use, or consumption of unmanufactured aluminium or unmanufactured aluminium alloy shall—

- (a) submit a true return of stock of unmanufactured aluminium or unmanufactured aluminium alloy in the manner set out in Form C on or before the 15th July, 1941 to an officer authorised by the Central Government in writing in this behalf;

provided that this clause shall not apply to a person who has duly submitted a similar return under the superseded Aluminium Control Order, 1941.

- (b) submit monthly to an officer authorised by the Central Government in writing in this behalf and so as to reach that officer on or before the fifteenth day of each month beginning with the 15th July, 1941, a true return, in the manner set out in Form D of stock of unmanufactured aluminium or unmanufactured aluminium alloy in his possession on the last day of the preceding month;
- (c) keep such books, accounts, or other records relating to his undertaking as the Central Government may direct;
- (d) produce to any officer authorised by the Central Government in writing in this behalf, such books, accounts, or other records relating to his undertaking as may be demanded by the officer aforesaid;
- (e) permit any officer authorised by the Central Government in writing in this behalf to enter upon and inspect any premises used for, or in connection with, his undertaking.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM A.

Serial No.....

ALUMINIUM CONTROL ORDER, 1941.

*Certificate of general permission to use in any manufacturing process unmanufactured aluminium or unmanufactured aluminium alloy.*

(Free of all fee.)

.....\*is/are hereby authorised to use in the following approved manufacturing processes unmanufactured aluminium or unmanufactured aluminium alloy up to a total of.....

Lbs.

Cwts.

Tons

Maunds

per month, and subject to the condition stated

in paragraph 4 of this certificate :—

2. The premises of the person holding this certificate shall be located at the following <sup>\*place.</sup>  
places.

3. This certificate is granted subject to the provisions of the Aluminium Control Order, 1941, a copy of which is printed as part of this certificate.

4. The holder of this certificate shall comply with any directions given from time to time by the Central Government as to the partial or complete discontinuance of manufacture of goods from unmanufactured aluminium or unmanufactured aluminium alloy.

Dated

194

Secretary to the Government of India.

Aluminium Control Order, 1941, to be printed *in extenso* on back of certificate.

FORM B.

Serial No.....

ALUMINIUM CONTROL ORDER, 1941.

*Permit to sell or otherwise transfer unmanufactured aluminium or unmanufactured aluminium alloy.*

(Free of all fee.)

.....\*is/are hereby authorised to sell or otherwise transfer the undernoted

\*Strike out the words which are not applicable.



[*Orders under Rule 81 (2), Defence of India Rules.*]

unmanufactured aluminium or unmanufactured aluminium alloy to the undernoted persons :—

Description.	Quantity.	*Purchaser or Transferee.	Purpose of the purchase or transfer.

2. This permit is granted subject to the provisions of the Aluminium Control Order, 1941, a copy of which is printed as part of this permit.

*Dated* . . . . . 194 .

*Secretary to the Government of India.*

### FORM C.

*Return of unmanufactured aluminium and unmanufactured aluminium alloy.*

Name .....

Address .....

Description of stocks.	Quantity.	Normal monthly consumption in manufacture†	Date on which and price at which acquired.	Remarks..
	Tons. Cwts. Qrs. Lbs.	Tons. Cwts. Qrs. Lbs.		

*Dated* . . . . . 194 . . . . . *Signature.*

\*Strike out the words which are not applicable.

†To be left blank by Stock-holders who are not themselves manufacturers of aluminium goods.

[Orders under Rule 81 (2), Defence of India Rules.]

FORM D.

Return of stock of unmanufactured aluminium and unmanufactured aluminium alloy for the month of.....194

Name .....

Address .....

Reg. No. (if any).....

Stock.	Quantity (in Tons. Cwts. Qrs. & Lbs.)	Remarks.
1. Stock held at the end of the preceding month as shown in the last return . . . . .		
2. Stock, if any, acquired during the month (further details given in table below) . . . . .		
3. Total of items 1 and 2 . . . . .		
4. Stock, if any, disposed of by sale during the month under Permits in Form B, Nos.:— . . . . .		
5. Stocks, if any, used during the month in manufacture under Registration Certificate in Form A, No. . . . .		
6. Stock, if any, disposed of during the month in the following manner, not being by sale or manufacture:— . . . . .		
7. Total of items 4, 5 and 6 . . . . .		
8. Stock held at the end of the month (being item 3 less item 7) . . . . .		

[Orders under Rule 81 (2), Defence of India Rules.]

Table showing details of stocks acquired as in item 2 above.

Description of stocks.	Quantity (in Tons, Cwts. Qrs. & Lbs.).	Date on which and price at which acquired.	Remarks.

Dated 194 .

Signature.

[Gazette of India, 1941, Pt. I, p. 875.]

Commerce Dept., No. 156-Ind. (58)/41-B, dated the 21st June, 1941.—In pursuance of clauses (a) and (b) of paragraph 6 of the <sup>1</sup>Aluminium Control Order, 1941, and in supersession of its notification in the Department of Commerce, No. 156-Ind. (2)/40-B, dated the 10th March, 1941, the Central Government is pleased to authorise the following officers to receive the returns prescribed in the said clauses in respect of the Province noted against them :—

Officer.	Province.
The Export Trade Controller, New Custom House, Bombay	Bombay.
The Foreign Trade Controller, Custom House, Calcutta	Bengal.
The Assistant Foreign Trade Controller, Custom House, Madras	Madras.
The Assistant Foreign Trade Controller, Custom House, Karachi	Sind.
The Secretary to the Government of India, Department of Commerce, New Delhi/Simla.	For places other than those mentioned above.

[Gazette of India, 1941, Pt. I, p. 875.]

<sup>1</sup>Supra, p. 294.

[Orders under Rule 81 (2), Defence of India Rules.]

Supply Dept., No. 288, dated the 12th July, 1941.—  
In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

NON-FERROUS METALS CONTROL ORDER, 1941.

1. *Short Title, Extent and Commencement.*—(1)  
This Order may be called the Non-Ferrous Metals Control Order, 1941.

(2) It shall come into force on the 21st July, 1941.

2. *Definitions.*—In this Order, unless there is anything repugnant in the subject or context :—

- (a) "Controller" means the Director General of Munitions Production or an officer authorised by him to perform the duties assigned by this Order to the Controller ;
- (b) "Nickel" includes all forms of nickel such as scrap, clippings, foil, shot, pellets, anodes, and electrolytic slabs, and all alloys of nickel in which nickel is the major constituent by weight ;
- (c) "Zinc" or "Spelter" includes all commercial forms of zinc such as cake, sheet, strip, granulations, rod, and wire ; alloys in which the percentage of Zinc exceeds 85 per cent. ; and all scrap, clippings, dross, hard spelter, galvanisers' residues, and electro-zinking residues ;
- (d) "Electrolytic Copper" includes all forms of high conductivity copper produced by the electrolytic process, in which the percentage of copper (*plus* silver) exceeds 99·9 per cent. ;
- (e) "Stockholder" means any person who has in his possession or under his control at the commencement of this Order any quantity of nickel, or not less than two tons in the aggregate of Electrolytic Copper or Zinc or Spelter, or any person who after the commencement of this Order has in his possession or under his control any quantity of nickel, or quantities of Electrolytic Copper, Zinc or Spelter which in the aggregate in any one calendar month are not less than two tons ;

[*Orders under Rule 81 (2), Defence of India Rules.*]

(f) "*Dealer*" means any person including a stockholder who is habitually engaged in the business of selling Nickel, Zinc or Spelter or Electrolytic Copper;

(g) "*Form*" means a Form annexed to this Order.

3. No person shall be a stockholder or dealer except under, and in accordance with the conditions of a licence in Form A granted by the Controller.

4. No person shall engage in any undertaking which involves the use of nickel, Zinc or Spelter or Electrolytic Copper for the purpose of any manufacturing process except under, and in accordance with the conditions of a certificate in Form B granted by the Controller.

5. The Controller may at any time cancel or modify any license granted under paragraph 3 or certificate granted under paragraph 4.

6. No stockholder or dealer shall sell <sup>1</sup>[or otherwise dispose of] Nickel, Zinc or Spelter or Electrolytic Copper unless he has made an application in Form C to the Controller for a permit, and obtained a permit in Form D.

7. *Inspection of premises.*—Any officer authorised by the Central Government in writing in this behalf may enter upon and inspect any premises in which he has reason to believe

(a) that Nickel, Zinc or Spelter or Electrolytic Copper is stocked or sold;

(b) that any undertaking of the nature described in paragraph 4 is carried on.

8. *Submission of returns.*—Every stockholder and every dealer and every person engaged in an undertaking of the nature described in paragraph 4 shall—

(a) within fourteen days from the commencement of this Order, and thereafter not later than the seventh day of each calendar month, submit to the Controller a true return in Form E of all quantities of Nickel, Zinc or Spelter, and Electrolytic Copper in his possession or under his control;

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<sup>1</sup> Ins., Supply Dept., Notfn. No. 483, dated the 27th August, 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

(b) keep such books, accounts or other records relating to his stocks, sales or undertaking as the Controller may direct;

(c) produce to any officer authorised by the Controller in writing in this behalf such books, accounts or other records relating to his undertaking as may be demanded by the officer aforesaid.

### FORM A.

Serial No. .

NON-FERROUS METALS CONTROL ORDER, 1941.

License to stock\*, and/or deal in, Nickel, Zinc or Spelter or Electrolytic Copper.

(Free of all fee.)

\*  $\frac{is}{are}$  licensed to stock\*

and/or deal in :—

	Quantity covered by licence.
*Nickel . . . . .	
Zinc or Spelter . . . . .	
Electrolytic Copper . . . . .	

subject to the conditions (a) that the quantity in his possession or under his control at any time shall not exceed the quantity shown above and (b) that the provisions of the Non-Ferrous Metals Control Order, 1941. shall be observed.

Controller of Non-Ferrous Metals.

Dated 1941.

\*Strike out words which are not applicable.

Non-Ferrous Metals Control Order, 1941, to be printed in *extenso*, on back of certificate.

### FORM B.

Serial No. .

NON-FERROUS METALS CONTROL ORDER 1941.

Certificate covering the use in any undertaking of Nickel, Zinc or Spelter or Electrolytic Copper.

[Orders under Rule 81 (2), Defence of India Rules.]

(Free of all fee.)

\* <sup>is</sup><sub>are</sub> hereby authorised to use  
in an approved undertaking namely \_\_\_\_\_

\*Nickel, Zinc or Spelter or Electrolytic Copper subject to the conditions-stated in paragraphs 3 and 4 of this certificate.

2. The premises in which Nickel, Zinc or Spelter or Electrolytic Copper are used in accordance with paragraph 1 by the person holding this certificate shall be located at the following\* place  
places \_\_\_\_\_

3. This certificate is granted subject to the provisions of the Non-Ferrous Metals Control Order, 1941, a copy of which is printed as part of this Certificate.

4. The holder of this certificate shall comply with any directions given from time to time by the Central Government as to the partial or complete discontinuance of manufacture of goods from Nickel, Zinc or Spelter or Electrolytic Copper.

*Controller of Non-Ferrous Metals.*

Dated 1941.

\*Strike out words which are not applicable.

Non-Ferrous Metals Control Order, 1941, to be printed *in extenso* on back of certificate.

FORM C.

Registered No.

To

The Controller of Non-Ferrous Metals,

Directorate General, Munitions

Production,

6, Esplanade East,

Calcutta.

Dear Sir,

I hereby apply under paragraph 6 of the Non-Ferrous Metals Control Order, 1941, for a permit to sell or otherwise dispose of the undernoted Nickel/Zinc or Spelter/Electrolytic Copper, to the undernoted persons. My

[Orders under Rule 81 (2), Defence of India Rules.]

license as a <sup>stockholder</sup><sub>dealer</sub> under the Order is No.  
dated . . . . .

Description.	Quantity.	Purchaser.

Yours faithfully,

Signature and address of the applicant.

Dated . . . . . 1941.

FORM D.

Serial No. . . . .

NON-FERROUS METALS CONTROL ORDER, 1941.

Permit to sell <sup>1</sup>[or otherwise dispose of] Nickel, Zinc or Spelter or Electrolytic Copper.

(Free of all fee.)

<sup>is</sup><sub>are</sub> hereby authorised to sell <sup>1</sup>[or otherwise dispose of] the under-noted quantity of Nickel/Zinc or Spelter/Electrolytic Copper to the undernoted persons :—

Description.	Quantity.	Purchaser.

2. This permit is granted subject to the provisions of the Non-Ferrous Metals Control Order, 1941, a copy of which is printed as part of this permit.

Controller of Non-Ferrous Metals.

Dated . . . . . 1941.

<sup>1</sup>Ins., Supply Dept., Notfn., No. 483, dated the 27th August, 1941.



[Orders under Rule 81 (2), Defence of India Rules.]

## FORM E.

Return of Nickel, Zinc or Spelter or Electrolytic  
Copper for the month of 194 .

Name

Address

Licence No. and date

I certify that the stocks of Nickel  
Zinc or Spelter in my  
Electrolytic Copper  
possession or under my control on the last day of  
194 were as under and that the particulars  
given as to the date of acquisition and price are correct.

Description of stocks.	Quantity.	Normal monthly consump- tion in manufac- ture.*	Date on which and price at which acquired.	Remarks.

\*To be left blank by stock-holders who are not themselves users of Nickel, Zinc or Spelter or Electrolytic Copper within the meaning of paragraph 4 of the Non-Ferrous Metals Control Order, 1941.

Signature of the person holding  
the certificate.

Dated 1941.

[Gazette of India, 1941, Pt. I, p. 995.]

Supply Dept., No. 324, dated the 24th July, 1941.—  
In exercise of the powers conferred by sub-rule (2) of  
rule 81 of the Defence of India Rules, the Central Gov-  
ernment is pleased to make the following Order,  
namely :—

1. (1) This Order may be called the Essential Drugs  
(Census) Order, 1941.

(2) It shall come into force at once.

[Orders under Rule 81 (2), Defence of India Rules.]

2. In this Order, "essential drug" means a drug specified in the first column of Schedule I annexed to this Order, and "specified quantity" in relation to an essential drug means the quantity specified in the corresponding entry in the second column of the said Schedule.

3. Any person engaged in the business of manufacturing or importing drugs or of selling drugs whether wholesale or retail, shall submit to the authority specified in the entry in the second column of Schedule II annexed to this Order corresponding to the area specified in the first column of that Schedule in which he carries on such business, so as to reach that authority not later than the 27th day of each month, a return showing the quantity of any essential drug in his possession or under his control within British India on the 20th day of such month :

Provided that if the total quantity of an essential drug in the possession or under the control of any person is less than the specified quantity, that person shall not be required to submit a return in respect of that drug.

4. Any person engaged in the business of manufacturing or importing drugs, or of selling drugs wholesale, shall keep a record of any purchase or sale made by him of any quantity of an essential drug whether such quantity is less than the specified quantity or not.

5. Any person engaged in the business of selling drugs retail shall keep a record of any purchase or sale made by him of an essential drug of which the quantity in his possession or under his control is not less than the specified quantity.

6. Any person appointed in this behalf by the Central Government or the Provincial Government, or any person authorised in writing by any person so appointed, may, for the purpose of verifying the correctness of any return submitted or record kept in pursuance of this Order, or otherwise with a view to securing compliance with the provisions of this Order, enter upon and inspect any premises in which the business of manufacturing, importing or selling drugs is carried on, and may inspect and take copies of, or of any part of, any records, books or accounts kept in relation to such business, whether in pursuance of this Order or otherwise.

[*Orders under Rule 81 (2), Defence of India Rules.*]

## SCHEDULE I.

*List of drugs and minimum quantities to be declared.*

Item.	Specified quantity.
Acidum Acetylsalicylicum . . . . .	2 lbs.
Acriflavina . . . . .	4 ozs.
Adrenalina and preparations . . . . .	1 oz. Liquor Adrenalini Hydrochloridi.
Ammonii Carbonas . . . . .	1 Cwt.
Amylis Nitris . . . . .	50 Capsules.
Argentoprotienum . . . . .	1 oz.
Atropinæ Sulphas . . . . .	1 drachm.
Barbitonum Solubile . . . . .	4 oz.
Bismuthi Carbonas . . . . .	10 lbs.
Bismuthi Salicylas . . . . .	10 lbs.
Bismuthi Subnitrates . . . . .	10 lbs.
Calcii Gluconas . . . . .	1 lb.
Camphora . . . . .	10 lbs.
Chloroformum . . . . .	10 lbs.
Cocainæ Hydrochloridum . . . . .	4 oz.
Emetinæ Hydrochloridum . . . . .	1 oz.
Ergota Praeparata and preparations . . . . .	8 oz.
Extractum Hepatis Liquidum (Liver Extract) . . . . .	20 lbs.
Homatropinæ Hydrobromidum . . . . .	1 drachm.
Hydrargyrum and preparations—	
Hydrargyrum . . . . .	5 lbs.
Unguentum Hydrargyri . . . . .	10 lbs.
Hydrargyri Perchloridum . . . . .	1 lb.
Hydrargyri Subchloridum . . . . .	1 lb.
Hyoscinae Hydrobromidum . . . . .	1 drachm.
Insulinum . . . . .	5,000 Units.
Iodum and preparations—	
Iodum . . . . .	8 oz.
Liquor Iodi Mitis . . . . .	20 lbs.
Liquor Iodi Fortis. . . . .	5 lbs.
Ipecacuanha and preparations—	
Ipecacuanha. . . . .	1 lb.
Pulvis Ipecacuanhæ et opii . . . . .	8 oz.
Mepacrinae Hydrochloridum . . . . .	250 tablets of any strength.
Naganol or British equivalents such as Antrypol (B. D. H.). . . . .	12 grams.
Neosarsphenamina . . . . .	40 Ampoules of any strength.
Pamaquin . . . . .	250 tablets of any strength.
Percaïne . . . . .	4 oz.
Phenacetinum . . . . .	1 lb.

[Orders under Rule 81 (2), Defence of India Rules.]

Item.	Specified quantity.
Phenobarbitonum Solubile . . . . .	4 oz.
Phenol (Acidum Carbolicum pure) . . . . .	1 lb.
Pituitary Extract (Posterior Lobe) . . . . .	100 Ampoules of any strength.
Potassii Bromidum . . . . .	1 lb.
Procainæ Hydrochloridum . . . . .	4 oz.
Potassii Iodidum . . . . .	1 lb.
Sodii Salicylas . . . . .	7 lbs.
Soluble Hexobarbitone (Evipan Sodium) . . . . .	4 oz.
Strophanthin . . . . .	100 Tablets and/or Ampoules of any dose.
Sulpharsphenamina . . . . .	40 Ampoules of any dose.
Sulphonamide preparations (e.g., Sulphanilamide, Soluseptasine, M. and B. 693, etc. . . . .	3 lbs powder in all.

The Schedule applies to items of any Pharmacopoeial or other accepted standard whether in bulk or in the form of Tablets, Ampoules, Ointments, etc., including all Proprietary Brands and Trade Mark preparations and equivalents of them intended for oral, hypodermic, intravenous or external use.

SCHEDULE II.

Area.	Authority.
Madras Presidency Central Provinces and Berar and Coorg.	The Deputy Assistant Director General (Medical Stores), Madras.
Bombay Presidency, Sind and Ajmer-Merwara.	The Deputy Assistant Director General (Medical Stores), Bombay.
Bengal Presidency, Bihar, Orissa and Assam.	The Deputy Assistant Director General (Medical Stores), Calcutta.
United Provinces, Punjab, North-West Frontier Province, Delhi and Baluchistan.	The Deputy Assistant Director General (Medical Stores) Lahore.
[Andaman and Nicobar Islands.	The Senior Medical Officer, Andaman and Nicobar Islands.]

[Gazette of India, 1941, Pt. I, p. 1074.]

Supply Dept., No. 315, dated the 26th July, 1941.—  
In exercise of the powers conferred by sub-rule (2) of

<sup>1</sup>Added, Supply Dept., No. 658, dated the 14th November, 1941.

[*Orders under Rule 81 (2), Defence of India Rules.*]

rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

IRON AND STEEL (CONTROL OF DISTRIBUTION) ORDER, 1941.

1. (1) This Order may be called the Iron and Steel (Control of Distribution) Order, 1941.

(2) It extends to the whole of British India.

(3) It shall come into force on the 1st August 1941.

2. In this Order, unless there is anything repugnant in the subject or context,—

(a) “Controller” means the person appointed as Iron and Steel Controller by the Central Government and includes any person exercising, upon authorisation by the Central Government, all or any of the powers of the Iron and Steel Controller;

(b) “Scheduled Department” means any one of the Departments specified in the First Schedule to this Order or any Department hereafter designated as a Scheduled Department for the purposes of this Order by the Central Government and includes any officer or Department of the Central or of a Provincial Government or any Local Authority which has been authorised by a Department specified in the Schedule to issue the licenses referred to in clauses 4 and 5;

(c) “producer” means a person carrying on the business of manufacturing iron or steel;

(d) “stockholder” means a person holding stocks of iron or steel for sale who is registered as a stockholder by the Controller.

3. The provisions of this Order shall apply to all iron or steel (including usable defectives other than melting scrap) of the categories specified in the Second Schedule to this Order.

4. Subject to the provisions of clause 7 no person shall acquire or agree to acquire any iron or steel except under the authority of and in accordance with the conditions contained or incorporated in—

(a) a written order of the Controller, or

[Orders under Rule 81 (2), Defence of India Rules.]

(b) a license issued by a Scheduled Department, or

(c) a sub-license granted by the holder of a license issued by a Scheduled Department who has been authorised by the Scheduled Department to grant sub-licenses, or

(d) a special written order of the Government of India in the Department of Supply.

5. Subject to the provisions of clause 7, no person shall dispose of or agree to dispose of or export or agree to export from British India any iron or steel except—

(a) to a person who is authorised to acquire that iron or steel by a written order of the Controller, or

(b) to the holder of a license issued by a Scheduled Department, or

(c) to the holder of a sub-license granted by the holder of a license issued by a Scheduled Department who has been authorised by the Scheduled Department to grant sub-licenses, or

(d) to a person who is authorised to acquire that iron or steel by a special written order of the Government of India in the Department of Supply, or

(e) under the authority of a license issued by the Director General, Munitions Production, authorising that person to dispose of or agree to dispose of that iron or steel to a person who is not subject to the provisions of this Order,

and in accordance with the conditions contained or incorporated in the document which is the authority for such disposal.

6. For the purposes of clauses 4 and 5 any acquisition by or disposal to a carrier or warehouseman or servant acting in the ordinary course of his business or employment as such of any iron or steel shall be deemed to be only an acquisition by or disposal to the person on whose behalf or to whose order the carrier, warehouseman or servant so acquires that steel; and any acquisition from or disposal by a carrier or warehouseman or servant acting as aforesaid of any iron or steel shall be

Carriers,  
warehouse-  
men and  
servants.

[*Orders under Rule 81 (2), Defence of India Rules.*]

deemed to be only an acquisition from or disposal by the person on whose behalf or to whose order the carrier, warehouseman or servant so disposes of that steel.

“Saving for small transactions, for Iron and Steel not produced in British India, and for transactions between stock-holder in British India.

<sup>1</sup>[7. The provisions of clauses 4 and 5 shall not apply to—

(a) the acquisition or disposal of iron or steel of any category specified in the Second Schedule to this Order in quantities not exceeding in any one month such amount, if any, as may be fixed in this behalf from time to time by the Central Government;

(b) the acquisition of any such iron or steel where at the time when it is acquired or when the agreement to acquire it is made, the iron or steel is outside British India, or non-existent and to be manufactured outside British India;

(c) the acquisition or disposal of any such iron or steel when both parties to the transaction are stockholders in British India.]

Use of iron or steel to conform to conditions governing acquisition.

8. A person acquiring iron or steel in accordance with the provisions of clause 4 shall not use the iron or steel otherwise than in accordance with any conditions contained or incorporated in the document which was the authority for the acquisition.

Surrender of revoked authorities.

9. Where any written order, license or sub-license referred to in clause 4 or clause 5 is revoked by the authority which issued it, the person to whom it was issued shall forthwith return it to the authority which issued it.

Surrender of authorities at the time of acquisition.

10. A person disposing of iron or steel in accordance with the provisions of clause 5 shall obtain from the person acquiring the steel the document which is the authority for the disposal and acquisition and shall preserve it, and when so required shall deliver it to the Controller or to such person as the Controller may direct.

<sup>2</sup>[10A. All applications for authorisation under this Order to acquire or dispose of any iron or steel under an agreement for the supply thereof entered into before the commencement of this Order shall be made not later than the 21st day of December 1941, and no such application made after that date shall be taken into consideration.]

<sup>1</sup>Subs., Supply Dept. No. 530, dated the 16th September, 1941.

<sup>2</sup>Ins., Supply Dept. No. 716, dated the 11th December, 1941.

[Orders under Rule 81 (2), Defence of India Rules.]

11. (1) Every producer and every stockholder shall keep such books, accounts and records relating to the business carried on by him as the Controller may require.

Power to require keeping of accounts and to obtain information.

(2) Every producer or stockholder or person holding stocks of iron or steel, and every person employed in connection with the business of a producer or stockholder or person holding stocks of iron or steel shall, on being requested so to do, either by notice served on him or special or general direction issued by the Controller,—

- (a) produce to such person as may be mentioned in the notice or direction such accounts and other documents as may be mentioned or described in the notice or direction;
- (b) furnish to the Controller such estimates, returns and other information relating to the business as may be mentioned or described in the notice or direction; and
- (c) permit any person or person of a class or description mentioned in the notice or direction to enter and inspect with a view to securing compliance with this Order any premises used for or in connection with the business.

12. The Central Government may give directions as to the procedure to be followed by the authorities issuing the written orders, licenses and sub-licenses referred to in clauses 4 and 5, as to the conduct by Departments of any operations undertaken under this Order as to the maintenance by the Controller of records in connection with the distribution of iron or steel and generally for the purpose of giving effect to the provisions of this Order.

Power of Central Government to give directions.

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THE FIRST SCHEDULE.

[See clause 2 (b).]

The Directorate General Munitions Production of the Supply Department of the Government of India.

The Engineer-in-Chief's Branch of General Headquarters, India.

Naval Headquarters of the Royal Indian Navy.



[*Orders under rule 81 (2), Defence of India Rules.*]

The Railway Board.

The Commerce Department of the Government of India.

The Labour Department of the Government of India.

The Master General of the Ordnance Branch of General Headquarters, India.

## THE SECOND SCHEDULE.

(See clause 3.)

*Iron and Steel to which the Order applies.*

Pig iron.

Ingots, blooms, billets, tin bar, sheet bar and slabs.

Heavy structurals (including heavy sections of joists, channels and angles).

Light structurals (including light sections of joists, channels, angles, tees and light rails of 30 lbs. and under).

Shell steel ingots, blooms, billets and bars.

Heavy rails (over 30 lbs.) and accessories (including fishplates, fishbolts and nuts, washers, coach screws, spikes, steel sleepers, keys and fastenings, bearing plates, chairs, rail anchors, points, crossings and switches, tiebars, gibs and cotters, stretcher bars).

Tinplates.

Black sheets (plain and corrugated).

Galvanised sheets (plain and corrugated).

Plates (shipbuilding).

Plates (ordinary mild steel and high tensile).

Plates (bullet proof).

Bars (including flats, squares, rounds, hexagons and rods).

<sup>1</sup>[Bolts, nuts, rivets, washers and screws (excluding wood-screws).]

Black or galvanised wire whether plain or barbed.

Wire nails.

Wire (miscellaneous).

<sup>2</sup>[Hoops and strips.]

[*Gazette of India*, 1941, Pt. I, p. 1072.]

<sup>1</sup>Subs., Supply Dept., No. 652, dated the 6th November, 1941.

<sup>2</sup>Ins., *ibid.*

[Orders under Rule 81 (2), Defence of India Rules.]

Supply Dept., No. 467, dated the 22nd August, 1941.—In pursuance of the provisions of sub-clause (a) of clause 2 of the <sup>1</sup>Iron and Steel (Control of Distribution) Order, 1941, the Central Government is pleased to authorise the Secretary of the Iron and Steel Control Board to exercise all the powers of the Iron and Steel Controller.

[Gazette of India, 1941, Pt. I, p. 1231.]

Commerce Dept., No. 350 (55)-I. T. C./41, dated the 9th September, 1941.—In pursuance of the provisions of Clause 7 of the <sup>1</sup>Iron and Steel (Control of Distribution) Order, 1941, and in supersession of the notification of the Government of India in the Department of Commerce No. 350 (55)-I. T. C./41, dated the 1st August, 1941, the Central Government is pleased to declare that the provisions of Clauses 4 and 5 shall not apply to the acquisition by or disposal to any one customer, of iron or steel of any category specified in column 1 of the Statement hereto appended, in quantities not exceeding in any one month the amount mentioned against that category in column 2 of the Statement.

# STATEMENT.

Column 1.	Column 2.
Light structurals (including light sections of joists, channels, angles, tees and light rails of 30 lbs and under) . . . . .	5 cwts.
Black sheets (plain and corrugated) . . . . .	3 cwts.
Galvanized sheets (plain and corrugated) . . . . .	2 cwts.
Plates (ordinary mild steel and high tensile) . . . . .	2 cwts.
Bolts, nuts, rivets, washers and screws . . . . .	1 cwt.
Black or galvanised wire, whether plain or barbed . . . . .	1 cwt.
Wire nails . . . . .	1 cwt.
Bars (including flats, squares, rounds, hexagons and rods) . . . . .	5 tons.
Usable defectives. . . . .	10 tons.

[Gazette of India, 1941, Extraordinary, p. 561.]

<sup>1</sup>Supra, p. 309.

[*Orders under Rule 81 (2), Defence of India Rules.*]

*Supply Dept., No. 590, dated the 9th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order:—

1. (1) This Order may be called the Chrome Compounds Control Order, 1941.

(2) It shall come into force forthwith.

2. For the purposes of this Order, “chrome compound” includes potassium bichromate, sodium bichromate and chrome alum.

3. No chrome compounds shall be used in any textile industry except for the manufacture of goods ordered by the Central Government and to the extent required by the specifications prescribed for such goods.

4. No person shall sell or otherwise dispose of chrome compounds except on presentation by the purchaser or other recipient of a licence in the Form appended to this Order granted by the Directorate General of Supply, Supply Department, New Delhi, and in accordance with the terms and conditions of such licence.

5. Persons wishing to purchase or otherwise acquire chrome compounds shall apply in the Form appended to this Order (which shall be completed in triplicate)

(a) to the Director of Cotton Textiles, Ballard Estate, Bombay, if the chrome compounds are needed for use in a textile industry, or

(b) to the Director General of Supply, Chemicals Directorate, Supply Department, New Delhi if the chrome compounds are needed for use otherwise than in a textiles industry.

6. (1) All manufacturers, stockholders and consumers of chrome compounds and all dealers in chrome compounds shall maintain true and accurate accounts showing

(i) the stocks (if any) held on the coming into force of this Order;

(ii) the quantities of chrome compounds produced or acquired after the coming into force of this Order;

(iii) the quantities of chrome compounds sold or otherwise disposed of after the coming into force of this Order;

(iv) the daily and monthly balances of stocks held.

[Orders under Rule 81 (2), Defence of India Rules.]

(2) These accounts shall be open to inspection by any person authorised in writing in this behalf by the Director General of Supply.

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## FORM OF APPLICATION AND LICENCE.

(To be submitted in triplicate.)

### PART I.

APPLICATION FOR PERMISSION TO PURCHASE OR OTHERWISE ACQUIRE CHROME COMPOUNDS (SODIUM BICHROMATE, POTASSIUM BICHROMATE, CHROME ALUM).

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1. Date.
2. Name of applicant.
3. Address of applicant.
4. Type and quantity of chrome compound required.
5. Quantity of chrome compounds held by applicant on the date of the application.
6. Name of person or firm from whom purchase will be made.
7. Purpose for which quantity in head 4 is required,
  - (a) whether for use in a textile industry,
  - (b) whether for use for any other purpose.
8. If use in head 7 is for Textile Industry :—

Number and date of the Supply Department Purchase Branch order for execution of which the purchase of chrome compounds is necessary.
9. If use in head 7 is for a purpose other than Textile Industry,
  - (a) precise purpose for which the purchase is necessary,

[*Orders under Rule 81 (2), Defence of India Rules.*]

(b) average monthly consumption for the said purpose during the twelve months previous to the date of the application.

I certify that the contents of this application are true to the best of my knowledge and belief.

*Signature of applicant.*

## PART II.

(For use in Directorate General of Supply only).

*If purpose of purchase is under head 7 (a) (Textile Industry).*

Certified that I have checked the purpose of purchase specified in head 7 (a) and that the Purchase Branch order is  
is not correctly quoted and that the quantity of chrome compounds specific in head 4 is  
is in excess and/or is not necessary for the execution of the said order. I recommend that a licence be granted  
be not granted for (quantity) of (kind).

*Director of Cotton Textiles. Director of Chemicals.*  
*If purpose of purchase is under head 7 (b) (other than Textile Industry).*

Certified that I have scrutinised the average consumption of the past 12 months  
(other periods) of chrome compounds for the purpose specified in head 7 (b) and recommend that a licence be granted  
be not granted for (quantity) of (kind).

*Date of issue of licence. Director of Chemicals.*

(Detachable).

[Orders under Rule 81 (2), Defence of India Rules.]

PART III.

LICENCE No. .

I hereby sanction the sale of  
(quantity) of

Sodium }  
Potassium } bichromate.  
Chrome Alum

by (name of seller) to  
(name of applicant).

Under Secretary,  
Supply Department.

[Gazette of India, 1941, Extraordinary, p. 655.]

Commerce Dept., No. Econ. Ad. (P. C.) 7/41, dated the 5th December, 1941.—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct that wheat shall not be sold in whole-sale quantities <sup>1</sup>\* \* \* at any place specified in the second column of the Table hereto annexed at a price higher than that specified in the corresponding entry in the third column of the said Table.

Table.

Serial No.	Place.	Maximum price for wheat.
1	2	3
(1)	Lyallpur . . .	Rs. 4-6-0 per maund of 82-2/7 lbs.
(2)	Hapur . . .	Rs. 4-6-0 per maund of 82-2/7 lbs.
(3)	Any place other than Lyallpur and Hapur.	Such price as the Provincial Government may determine, having regard to the normal relation between prices at such place and at Lyallpur and Hapur.

[Gazette of India, 1941, Extraordinary, p. 713.]

<sup>1</sup> Words omitted, Commerce Dept., Notfn. No. Econ. Ad. (P. C.) 7/41, dated the 22nd December, 1941.

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

*Labour Dept., No. B.-52 (2), dated the 28th September, 1939.*—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the New Delhi House Rent Control Order, 1939.

(2) It shall come into force at once.

(3) It shall extend to the Municipality of New Delhi and to the Notified Area of the Civil Station, Delhi.

2. In this Order, unless there is something repugnant in the subject or context—

<sup>1</sup>[(1) 'Controller' means the person appointed from time to time by the Central Government for the purposes of this Order];

(2) 'house' means a building or part of a building suitable for occupation as a residence, and includes;

(a) the garden, grounds and outhouses (if any) appurtenant to such building or part of a building; and

(b) any furniture supplied by the landlord for use in such building or part of a building; and

(3) 'landlord' includes <sup>2</sup>[any person] who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

3. When, on a written complaint or otherwise, the Controller has reason to believe that the rent of any house within the local limits to which this Order applies, is excessive, he shall hold a summary enquiry and record a finding.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by

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<sup>1</sup> Subs., Labour Dept., Notfn. No. B. 52 (1), dated the 1st August, 1941.

<sup>2</sup> Subs., Labour Dept., Notfn. No. B. 52, dated the 31st May, 1941.

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is excessive, he shall determine the fair rent to be charged for the house.

<sup>1</sup>[5. Without prejudice to the provisions of clauses 3 and 4, the Controller may, after making such enquiry as he thinks fit, determine the fair rent of any house within the local limits to which this Order applies.

6. (1) If at any time after the fair rent of a house has been determined under this Order it appears to the Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to houses in that locality, has been made to the house at the landlord's expense, the Controller may, after making such enquiry as he thinks fit, re-determine the fair rent of the house.

(2) Any increase in fair rent allowed under sub-clause (1) shall not exceed  $7\frac{1}{2}$  per cent. of the cost of the addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purposes of an enquiry under this Order, the Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the house,

(b) enter and inspect the house, and

(c) authorise any officer subordinate to him to enter and inspect the house.]

<sup>2</sup>[(8)] In fixing the fair rent under <sup>3</sup>[this Order] the Controller shall have due regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st September, 1939, and, in the case of a house which has been constructed after that date, also to any general increase in the cost of sites and building construction.

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<sup>1</sup> Ins., Labour Dept., Notfn. No. B. 52, dated the 31st May, 1941.

<sup>2</sup> Re-numbered, *ibid.*

<sup>3</sup> Subs., *ibid.*



[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

<sup>1</sup>[9. (1) The fair rent shall in all cases be fixed by the Controller as for a tenancy of twelve months.

(2) Where a house the fair rent of which is fixed under sub-clause (1) is let <sup>2</sup>[or relet] for a period less than twelve months, the fair rent for such tenancy shall bear the same proportion to the fair annual rent as the period of tenancy bears to twelve months :

Provided that where the house was so let <sup>2</sup>[or relet] by reason of the tenant being unwilling to take the house for twelve months the fair rent for such tenancy shall be determined in accordance with the principles laid down in the Schedule to this Order.

(3) If any dispute arises between a landlord and tenant over the application of sub-clause (2) the matter <sup>3</sup>[may] be referred [by either party]<sup>2</sup> to the Controller for decision.

10. (1) The Controller shall maintain upto date a list showing the fair rents of houses as fixed by him from time to time under this Order.

(2) A copy of the list shall, during office hours, be kept open to inspection, free of charge, at the office of the Controller, and copies of the list shall also be made available to the public at a price not exceeding one rupee a copy.]

<sup>4</sup>[11.] When <sup>5</sup>[the fair rent of a house has been determined under this Order]

(a) the landlord <sup>5</sup>[shall not claim, and shall not be entitled to,] any rent in excess of such fair rent ;

(b) any agreement for the payment of rent in excess of such fair rent shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rent ;

(c) any sum in excess of such fair rent paid, whether before or after the commencement of this Order, in respect of residence

Ins., Labour Dept., Notfn. No. B. 52, dated the 31st May, 1941.

<sup>2</sup> Ins., Labour Dept., No. B. 52, dated the 23rd December, 1941.

<sup>3</sup> Subs., *ibid.*

<sup>4</sup> Re-numbered, Labour Dept., Notfn. No. B. 52, dated the 31st May, 1941.

<sup>5</sup> Subs., *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

after the commencement of this Order shall be refunded to the person by whom it was paid, or at the option of such person, otherwise adjusted.

<sup>1</sup>[11-A. (1) If a tenant in possession wishes to extend the period of tenancy by not less than six, and not more than twelve months, he may give the landlord, not less than one month before the expiry of the tenancy, a written notice of his intention; and upon the delivery of such notice, the tenancy shall save as hereinafter provided, be deemed to have been extended for the period specified in the notice.

<sup>2</sup>[Provided that where the tenancy was so extended for a period less than twelve months, the tenant, notwithstanding anything contained in sub-clause (2) of clause (9), shall pay in respect of the extended period the fair rent for full one year, unless the landlord agrees to accept a lesser rent.]

(2) Where the landlord to whom a notice has been given under sub-clause (1) wishes to object to the extension demanded by the tenant, he may within 15 days of the delivery to him of such notice apply to the Controller in that behalf; and if the Controller is satisfied—

- (a) that the house is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or
- (b) that the landlord has prior to the 4th August, 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, or
- (c) that the tenant has not been performing any of the conditions of the tenancy, or
- (d) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period, the Controller shall pass an

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<sup>1</sup> Ins., Labour Dept., Notfn. No. B. 52, dated the 4th August, 1941.

<sup>2</sup> Ins., Labour Dept., Notfn. No. B. 52, dated the 23rd December, 1941.

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

order disallowing the extension demanded by the tenant.

(3) When an order under sub-clause (2) has been made by the Controller on the ground that the house is required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or on the ground that the landlord has prior to the 4th August, 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, and the house is not occupied by the aforesaid persons within fifteen days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the house, cancel the previous order made under sub-clause (2) and direct the landlord to place the original tenant in possession of the house and to pay him such compensation as may be fixed by the Controller.]

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<sup>2</sup>[(12)] (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Chief Commissioner, Delhi.

(2) The Chief Commissioner, shall then send for the record of the case from the Controller, and, after perusing such record and, after making such further enquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the Chief Commissioner, and subject only to such decision, an order of the Controller, shall be final.

### <sup>3</sup>[SCHEDULE.

[*See clause 9 (2), proviso.*]

Where the tenancy is for a period specified in the first column of the table below, the fair rent for such tenancy shall be the amount specified in the corres-

<sup>1</sup> Original cl. 7 omitted, Labour Dept., Notfn. No. B.-52, dated the 31st May, 1941.

<sup>4</sup> Re-numbered, *ibid.*

<sup>3</sup> Added, *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

ponding entry in the second column thereof, R, being the fair rent of the house in question as fixed by the Controller for a tenancy of twelve months :—

Period of tenancy.	Fair rent.
More than 11 months, but not more than 12 months .	R
More than 10 months, but not more than 11 months .	$\frac{1188}{1200} \times R$
More than 9 months, but not more than 10 months .	$\frac{1160}{1200} \times R$
More than 8 months, but not more than 9 months .	$\frac{1116}{1200} \times R$
More than 7 months, but not more than 8 months .	$\frac{1040}{1200} \times R$
More than 6 months, but not more than 7 months .	$\frac{980}{1200} \times R$
More than 5 months, but not more than 6 months .	$\frac{900}{1200} \times R$
More than 4 months, but not more than 5 months .	$\frac{800}{1200} \times R$
More than 3 months, but not more than 4 months .	$\frac{680}{1200} \times R$
More than 2 months, but not more than 3 months .	$\frac{540}{1200} \times R$
More than 1 month, but not more than 2 months .	$\frac{380}{1200} \times R$
Not more than 1 month . . . . .	$\frac{190}{1200} \times R$

[Gazette of India, 1939, Extraordinary, p. 379.]

Labour Dept., No. B.-52 (1), dated the 29th September, 1939.—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Hotels and Lodging Houses Control Order, 1939.

(2) It shall come into force at once.

(3) It shall extend to the Municipality of New Delhi and to the Notified Area of the Civil Station, Delhi.

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

2. In this Order, unless there is anything repugnant in the subject or context—

<sup>1</sup>[(1) “Controller” means the person appointed from time to time by the Central Government for the purposes of this Order];

(2) “manager of an hotel” includes any person in charge of the management of an hotel;

(3) “owner of a lodging house” includes the person who is receiving or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or trustee, payment from a lodger on account of board, lodging or any other service.

3. (1) When, on a written complaint or otherwise, the Controller has reason to believe that the charges made for board, lodging or any other service provided in any hotel or lodging house within the local limits to which this Order applies are excessive, he shall hold a summary enquiry and record a finding.

(2) For the purposes of an enquiry under sub-clause (1), the Controller may require the manager of an hotel or the owner of a lodging house to produce before the Controller any book of account, document, or other information relating to the hotel or lodging house concerned which he may consider necessary, and may authorise any person subordinate to him to enter upon any premises to which the enquiry relates.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by any lodger in the hotel or lodging house by way of premium or any other like sum in addition to the charges, the Controller finds that the charges are excessive, he shall determine the fair rate to be charged for board, lodging and any other service provided in the hotel or lodging house.

5. In fixing the fair rate under clause 4, the Controller shall have due regard to the prevailing rates of charges for the same or similar accommodation, board and service during the twelve months prior to the 1st September 1939, and to any general increase in the cost of living after that date.

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<sup>1</sup> Subs., Labour Dept., Notfn. No. B-52 (1), dated the 1st August, 1941.

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

6. When the Controller has determined the fair rate of charges :—

(a) the manager of the hotel, or owner of the lodging house, as the case may be, shall not charge any amount in excess of such fair rate;

(b) any agreement for the payment of any charges in excess of such fair rate shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rate;

(c) any sum in excess of such fair rate paid, whether before or after the commencement of this Order, in respect of residence after the commencement of this Order shall be refunded to the person by whom it was paid or at the option of such person, otherwise adjusted.

7. (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him present an appeal in writing to the Chief Commissioner, Delhi.

(2) The Chief Commissioner shall thereupon send for the case from the Controller, and, after perusing such record and after making such further enquiry as he thinks fit, either personally or through the Controller, shall decide the appeal.

(3) The decision of the Chief Commissioner, and subject only to such decision, an order of the Controller, shall be final.

[Gazette of India, 1939, Extraordinary, p. 385.]

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Defence Dept., No. 501, dated the 29th March, 1941.—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order :—

(1) This Order may be called the Kirkee Cantonment House Rent Control Order, 1941.

(2) It shall come into force at once.

[*Orders under Rule 81 (2) (bb), 'Defence of India Rules.'*]

- (3) It shall extend to the Cantonment of Kirkee and such other area in the vicinity thereof as may be determined by the General Officer Commanding-in-Chief, Southern Command.

2. In this Order, unless there is something repugnant in the subject or context—

- (1) 'Controller' means an officer appointed by the General Officer Commanding-in-Chief, Southern Command, to be a Rent Controller;

- (2) 'house' means a building or part of a building suitable for occupation as a residence, and includes—

(a) the garden, grounds and out-houses (if any) appurtenant to such building or part of a building, and

(b) any furniture supplied by the landlord for use in such building or part of a building; and

- (3) 'landlord' includes <sup>1</sup>[any person] who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

3. When on a written complaint or otherwise, the Controller has reason to believe that the rent of any house within the local limits to which this Order applies, is excessive, he shall hold a summary enquiry and record a finding.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is excessive, he shall determine the fair rent to be charged for the house.

<sup>2</sup>[5. Without prejudice to the provisions of clauses 3 and 4, the Controller may, after making such enquiry as he thinks fit, determine the fair rent of any house within the local limits to which this Order applies.

<sup>1</sup> Subs., Defence Dept., Notfn. No. 1472, dated the 6th September, 1941.

<sup>2</sup> Ins., *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

6. (1) If at any time after the fair rent of a house has been determined under this Order, it appears to the Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to houses in that locality, has been made to the house at the landlord's expense, the Controller may, after making such enquiry as he thinks fit, re-determine the fair rent of the house.

(2) Any increase in fair rent allowed under sub-clause (1) shall not exceed  $7\frac{1}{2}$  per cent. of the cost of the addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purposes of an enquiry under this Order, the Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the house,

(b) enter and inspect the house, and

(c) authorise any officer subordinate to him to enter and inspect the house.]

<sup>1</sup>[8.] In fixing the fair rent under <sup>2</sup>[this Order], the Controller shall have due regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st September, 1939, and, in the case of a house which has been constructed after that date, also to any general increase in the cost of sites and building construction.

<sup>3</sup>[9. (1) The fair rent shall in all cases be fixed by the Controller as for a tenancy of twelve months.

(2) Where a house the fair rent of which is fixed under sub-clause (1) is let for a period less than twelve months, the fair rent for such tenancy shall bear the same proportion to the fair annual rent as the period of tenancy bears to twelve months :

Provided that where the house was so let by reason of the tenant being unwilling to take the house for

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<sup>1</sup> Re-numbered, Defence Dept., Notfn. No. 1472, dated the 6th September, 1941.

<sup>2</sup> Subs., *ibid.*

<sup>3</sup> Ins., *ibid.*



[Orders under Rule 51 (2) (bb), Defence of India Rules.]  
 twelve months, the fair rent for such tenancy shall be determined in accordance with the principles laid down in the Schedule to this Order.

(3) If any dispute arises between a landlord and tenant over the application of sub-clause (2) the matter shall be referred to the Controller for decision.

10. (1) The Controller shall maintain up-to-date a list showing the fair rents of the houses as fixed by him from time to time under this Order.

(2) A copy of the list shall, during office hours, be kept open to inspection free of charge, at the office of the Controller, and copies of the list shall also be made available to the public at a price not exceeding one rupee a copy.]

<sup>1</sup>[11.] When <sup>2</sup>[the fair rent of a house has been determined under this Order]—

(a) the landlord <sup>2</sup>[shall not claim, and shall not be entitled to,] any rent in excess of such fair rent;

(b) any agreement for the payment of rent in excess of such fair rent shall be null and void in respect of such excess and shall be construed as if it was an agreement for the payment of the said fair rent;

(c) any sum in excess of such fair rent paid, whether before or after the commencement of this Order, in respect of residence after the commencement of this Order, shall be refunded to the person by whom it was paid, or at the option of such person, otherwise adjusted.

<sup>3</sup>[12. (1) If a tenant in possession wishes to extend the period of tenancy by not less than six, and not more than twelve months, he may give the landlord, not less than one month before the expiry of the tenancy, a written notice of his intention; and upon the delivery of such notice, the tenancy shall, save as hereinafter provided, be deemed to have been extended for the period specified in the notice.

(2) When the landlord to whom a notice has been given under sub-clause (1) wishes to object to the extension demanded by the tenant, he may within 15 days of the delivery to him of such notice apply to the

<sup>1</sup> Re-numbered, Defence Dept., Notfn. No. 1472, dated the 6th September, 1941.

<sup>2</sup> Subs., *ibid.*

<sup>3</sup> Ins., *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

Controller in that behalf; and if the Controller is satisfied—

- (a) that the house is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or
- (b) that the landlord has prior to the 6th September 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, or
- (c) that the tenant has not been performing any of the conditions of the tenancy, or
- (d) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period, the Controller shall pass an order disallowing the extension demanded by the tenant.

(3) When an order under sub-clause (2) has been made by the Controller on the ground that the house is required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him or on the ground that the landlord has prior to the 6th September 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, and the house is not occupied by the aforesaid persons within 15 days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the house, cancel the previous order made under sub-clause (2) and direct the landlord to place the original tenant in possession of the house and to pay him such compensation as may be fixed by the Controller.]

1\* \* \* \* \*

<sup>2</sup>[13.] (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the District Judge, Poona.

<sup>1</sup>Original cl. 7 omitted, Defence Dept., Notfn. No. 1472, dated the 6th September, 1941.

<sup>2</sup>Re-numbered, *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

(2) The District Judge, Poona, shall then send for the record of the case from the Controller, and, after perusing such record and after making such further enquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the District Judge, Poona, and subject only to such decision, an order of the Controller, shall be final.

# <sup>1</sup>[SCHEDULE.

[See Clause 9 (2), proviso.]

Where the tenancy is for a period specified in the first column of the table below, the fair rent for such tenancy shall be the amount specified in the corresponding entry in the second column thereof, R, being the fair rent of the house in question as fixed by the Controller for a tenancy of twelve months:—

Period of tenancy.	Fair rent.
More than 11 months, but not more than 12 months.	R
More than 10 months, but not more than 11 months.	$\frac{1188}{1200} \times R.$
More than 9 months, but not more than 10 months.	$\frac{1160}{1200} \times R.$
More than 8 months, but not more than 9 months.	$\frac{1116}{1200} \times R.$
More than 7 months, but not more than 8 months.	$\frac{1040}{1200} \times R.$
More than 6 months, but not more than 7 months.	$\frac{980}{1200} \times R.$
More than 5 months, but not more than 6 months.	$\frac{900}{1200} \times R.$
More than 4 months, but not more than 5 months.	$\frac{800}{1200} \times R.$
More than 3 months, but not more than 4 months.	$\frac{680}{1200} \times R.$
More than 2 months, but not more than 3 months.	$\frac{540}{1200} \times R.$
More than 1 month, but not more than 2 months.	$\frac{380}{1200} \times R.$
Not more than 1 month.	$\frac{190}{1200} \times R.]$

[Gazette of India, 1941, Pt. I, p. 456.]

<sup>1</sup>Ins., Defence Dept., Notfn. No. 1472, dated the 6th September 1941.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 333

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

Labour Dept., No. B.-52 (1), dated the 29th April, 1941.—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Simla House Rent Control Order, 1941.

(2) It shall come into force at once.

(3) It extends to the Municipality of Simla.

2. In this Order, unless there is something repugnant in the subject or context,

<sup>1</sup>[(1) 'Controller' means the person appointed from time to time by the Central Government for the purposes of this Order;]

(2) 'house' means a building or part of a building suitable for occupation as a residence, and includes—

(a) the garden, grounds and out-houses (if any) appurtenant to such building or part of a building; and;

(b) any furniture supplied by the landlord for use in such building or part of a building; and

(3) 'landlord' includes <sup>2</sup>[any person] who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

3. When, on a written complaint or otherwise, the Controller has reason to believe that the rent of any house within the local limits to which this Order applies, is excessive, he shall hold a summary enquiry and record a finding.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is excessive, he shall determine the fair rent to be charged for the house.

<sup>3</sup>[5. Without prejudice to the provisions of clauses 3 and 4, the Controller may, after making such enquiry

<sup>1</sup> Subs., Labour Department Notfn. No. B. 52 (1), dated the 1st August, 1941.

<sup>2</sup> Subs., Labour Department Notification No. B. 52 (1), dated the 23rd December, 1941.

<sup>3</sup> Ins., *ibid.*

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

as he thinks fit, determine the fair rent of any house within the local limits to which this Order applies.

6. (1) If at any time after the fair rent of a house has been determined under this Order it appears to the Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to houses in that locality, has been made to the house at the landlord's expense, the Controller may, after making such enquiry as he thinks fit, re-determine the fair rent of the house.

(2) Any increase in fair rent allowed under sub-clause (1) shall not exceed  $7\frac{1}{2}$  per cent. of the cost of the addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purpose of an enquiry under this Order, the Controller may—

- (a) require the landlord to produce any book of account, document or other information relating to the house;
- (b) enter and inspect the house; and
- (c) authorise any officer subordinate to him to enter and inspect the house.]

<sup>1</sup>[8] In fixing the fair rent under <sup>2</sup>[this Order] the Controller shall have due regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st January, 1941, and, in the case of a house which has been constructed after that date, also to any general increase in the cost of sites and building construction. Provided that no increase in expenses due directly or indirectly to the property tax leviable under the Punjab Urban Immoveable Property Tax Act 1940 (Punjab Act No. XVII of 1940), shall be taken into account by the Controller in assessing the fair rent.

<sup>3</sup>[9. (1) The fair rent shall in all cases be fixed by the Controller as for a tenancy of twelve months.

(2) Where a house the fair rent of which is fixed under sub-clause (1) is let or re-let for a period less than twelve months, the fair rent for such tenancy

<sup>1</sup> Re-numbered, Labour Dept., Notfn. No. B-52 (1), dated the 23rd December, 1941.

<sup>2</sup>Subs., *ibid.*

<sup>3</sup>Ins., *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

shall bear the same proportion to the fair annual rent as the period of tenancy bears to twelve months :

Provided that where the house was so let or re-let by reason of the tenant being unwilling to take the house for twelve months, the fair rent for such tenancy shall be determined in accordance with the principles laid down in the Schedule to this Order.

(3) If any dispute arises between a landlord and tenant over the application of sub-clause (2) the matter may be referred by either party to the Controller for decision.

10. (1) The Controller shall maintain up-to-date a list showing the fair rents of houses as fixed by him from time to time under this Order.

(2) A copy of the list shall, during office hours, be kept open to inspection, free of charge, at the office of the Controller, and copies of the list shall also be made available to the public at a price not exceeding one rupee a copy.]

<sup>1</sup>[11.] When <sup>2</sup>[the fair rent of a house has been determined under this Order]—

(a) the landlord <sup>2</sup>[shall not claim and shall not be entitled to] any rent in excess of such fair rent ;

(b) any agreement for the payment of rent in excess of such fair rent shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rent ;

(c) any sum in excess of such fair rent paid, whether before or after the commencement of this Order, in respect of residence after the commencement of this Order shall be refunded to the person by whom it was paid, or at the option of such person, otherwise adjusted.

<sup>1</sup>Re-numbered Labour Dept., Notfn. No. B-52 (1), dated the 23rd December, 1941.

<sup>2</sup>Subs., *ibid.*

<sup>3</sup>Original cl. 7 was omitted, *ibid.*

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

<sup>1</sup>[12] (1) If a tenant in possession wishes to extend the period of tenancy so as to cover the next Simla Season, he may give the landlord, by a date not later than the 15th October, in any year, a written notice of his intention; and upon the delivery of such notice, the tenancy shall, save as hereinafter provided be deemed to have been extended for the period specified in the notice.

<sup>2</sup>[Provided that where the tenancy was so extended for a period less than twelve months, the tenant, notwithstanding anything contained in sub-clause (2) of clause 9, shall pay in respect of the extended period the fair rent for full one year, unless the landlord agrees to accept a lesser rent.]

(2) Where the landlord to whom a notice has been given under sub-clause (1) wishes to object to the extension demanded by the tenant, he may within 15 days of the delivery to him of such notice apply to the Controller in that behalf; and if the Controller is satisfied—

(a) that the house is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him; or

(b) that the landlord has prior to the 3rd October, 1941 entered into an agreement, to lease the house to another person immediately after the termination of the existing lease; or

(c) that the tenant has not been performing any of the conditions of the tenancy; or

(d) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period, the Controller shall pass an order disallowing the extension demanded by the tenant.

(3) When an order under sub-clause (2) has been made by the Controller on the ground that the house is required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him; or on the ground that the landlord

<sup>1</sup> Ins., Labour Department Notification No. B. 52, dated the 3rd October, 1941.

<sup>2</sup> Ins., by Labour Dept., Notfn. No. B-52 (1), dated the 23rd December, 1941

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

has prior to the 3rd October, 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, and the house is not occupied by the aforesaid persons within fifteen days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months, of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the house, cancel the previous order made under sub-clause (2) and direct the landlord to place the original tenant in possession of the house and to pay him such compensation as may be fixed by the Controller.]

<sup>1</sup>[13] (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Commissioner, Amibala Division.

(2) The Commissioner shall then send for the record of the case from the Controller, and, after perusing such record and, after making such further enquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the Commissioner, and subject only to such decision, an order of the Controller, shall be final.

<sup>2</sup>[SCHEDULE.

[See clause 9 (2), proviso.]

Where the tenancy is for a period specified in the first column of the table below, the fair rent for such tenancy shall be the amount specified in the corresponding entry in the second column thereof, R, being the fair rent of the house in question as fixed by the Controller for a tenancy of twelve months :—

Period of tenancy.	Fair rent.
More than 11 months, but not more than 12 months	R
More than 10 months, but not more than 11 months	$\frac{1188}{1200} \times R$
More than 9 months, but not more than 10 months	$\frac{1160}{1200} \times R$

<sup>1</sup>Re-numbered, Labour Dept., Notfn. No. B-52 (1), dated the 23rd December, 1941.

<sup>2</sup>Ins., Labour Dept., Notfn. No. B-52 (1), dated the 23rd December, 1941.



Period of tenancy.	Fair rent.
More than 8 months, but not more than 9 months	$\frac{1116}{1200} \times R$
More than 7 months, but not more than 8 months	$\frac{1040}{1200} \times R$
More than 6 months, but not more than 7 months	$\frac{980}{1200} \times R$
More than 5 months, but not more than 6 months	$\frac{900}{1200} \times R$
More than 4 months, but not more than 5 months	$\frac{800}{1200} \times R$
More than 3 months, but not more than 4 months	$\frac{680}{1200} \times R$
More than 2 months, but not more than 3 months	$\frac{540}{1200} \times R$
More than 1 month, but not more than 2 months	$\frac{380}{1200} \times R$
Not more than 1 month	$\frac{190}{1200} \times R$ ]

[Gazette of India, 1941, Pt. I., p. 673.]

*Labour Dept., No. B.-52 (2), dated the 29th April, 1941.*—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules the Central Government is pleased to make the following Order :—

1. (1) This Order may be called the Simla Hotels and Lodging Houses Control Order, 1941.

(2) It shall come into force at once.

(3) It extends to the Municipality of Simla.

2. In this Order, unless there is anything repugnant in the subject or context,—

<sup>1</sup>[(1) 'Controller' means the person appointed from time to time by the Central Government for the purposes of this Order;]

(2) "manager of an hotel" includes any person in charge of the management of an hotel;

(3) "owner of a lodging house" includes the person who is receiving or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or trustee, payment from a lodger on account of board, lodging or any other service.

<sup>1</sup>Subs., Labour Dept., Notfn. No. B-52 (1), dated the 1st August 1941.

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

3. (1) When, on a written complaint or otherwise, the Controller has reason to believe that the charges made for board, lodging or any other service provided in any hotel or lodging house within the local limits to which this Order applies are excessive, he shall hold a summary enquiry and record a finding.

(2) For the purposes of an enquiry under sub-clause (1), the Controller may require the manager of an hotel or the owner of a lodging house to produce before the Controller any book of account, document, or other information relating to the hotel or lodging house concerned which he may consider necessary, and may authorise any person subordinate to him to enter upon any premises to which the enquiry relates.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by any lodger in the hotel or lodging house by way of premium or any other like sum in addition to the charges, the Controller finds that the charges are excessive, he shall determine the fair rate to be charged for board, lodging and any other service provided in the hotel or lodging house.

5. In fixing the fair rate under clause 4, the Controller shall have due regard to the prevailing rates of charges for the same or similar accommodation, board and service during the twelve months prior to the 1st January, 1941, and to any general increase in the cost of living after that date. Provided that no increase in expenses due directly or indirectly to the property tax leviable under the Punjab Urban Immoveable Property Tax Act, 1940 (Punjab Act XVII of 1940), shall be taken into account by the Controller in assessing the fair rate.

6. When the Controller has determined the fair rate of charges—

(a) the manager of the hotel, or owner of the lodging house, as the case may be, shall not charge any amount in excess of such fair rate;

(b) any agreement for the payment of any charges in excess of such fair rate shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rate;

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

- (c) any sum in excess of such fair rate paid, whether before or after the commencement of this Order, in respect of residence after the commencement of this Order shall be refunded to the person by whom it was paid or, at the option of such person, otherwise adjusted.

7. (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Commissioner, Ambala Division.

(2) The Commissioner shall thereupon send for the case from the Controller, and, after perusing such record and after making such further enquiry as he thinks fit, either personally or through the Controller, shall decide the appeal.

(3) The decision of the Commissioner, and subject only to such decision, an order of the Controller, shall be final.

[*Gazette of India*, 1941, Pt. I., p. 674.]

*Defence Dept., No. 1469, dated the 6th September 1941.*—In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order:—

(1) This Order may be called the Deolali Cantonment House Rent Control Order, 1941.

(2) It shall come into force at once.

(3) It shall extend to the Cantonment of Deolali, and such other area in the vicinity thereof as may be determined by the General Officer Commanding-in-Chief, Southern Command.

2. In this Order, unless there is something repugnant in the subject or context—

(1) 'Controller' means an officer appointed by the General Officer Commanding-in-Chief, Southern Command to be a Rent Controller.

(2) 'house' means a building or part of a building suitable for occupation as a residence, and includes—

(a) the garden, grounds and out-houses (if any) appurtenant to such building or part of a building; and

(b) any furniture supplied by the landlord for use in such building or part of a building; and

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

(3) 'landlord' includes any person who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

3. When, on a written complaint or otherwise, the Controller has reason to believe that the rent of any house within the local limits to which this Order applies, is excessive, he shall hold a summary enquiry and record a finding.

4. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is excessive, he shall determine the fair rent to be charged for the house.

5. Without prejudice to the provisions of clauses 3 and 4, the Controller may, after making such enquiry as he thinks fit determine the fair rent of any house within the local limits to which this Order applies.

6. (1) If at any time after the fair rent of a house has been determined under this Order it appears to the Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to houses in that locality, has been made to the house at the landlord's expense, the Controller may, after making such enquiry as he thinks fit, redetermine the fair rent of the house.

(2) Any increase in fair rent allowed under sub-clause (1) shall not exceed  $7\frac{1}{2}$  per cent. of the cost of the addition improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purposes of an enquiry under this Order, the Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the house;

(b) enter and inspect the house; and

(c) authorise any officer subordinate to him to enter and inspect the house.

8. In fixing the fair rent under this Order, the Controller shall have due regard to the prevailing rates of rent for the same or similar accommodation in

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*] similar circumstances during the twelve months prior to the 1st September, 1939, and, in the case of a house which has been constructed after that date, also to any general increase in the cost of sites and building construction.

9. (1) The fair rent shall in all cases be fixed by the Controller as for a tenancy of twelve months.

(2) Where a house the fair rent of which is fixed under sub-clause (1) is let for a period less than twelve months, the fair rent for such tenancy shall bear the same proportion to the fair annual rent as the period of tenancy bears to twelve months :

Provided that where the house was so let by reason of the tenant being unwilling to take the house for twelve months, the fair rent for such tenancy shall be determined in accordance with principles laid down in the Schedule to this Order.

(3) If any dispute arises between the landlord and the tenant over the application of sub-clause (2) the matter shall be referred to the Controller for decision.

10. (1) The Controller shall maintain up-to-date a list showing the fair rents of houses as fixed by him from time to time under this Order.

(2) A copy of the list shall, during office hours, be kept open to inspection free of charge, at the office of the Controller, and copies of the list shall also be made available to the public at a price not exceeding one rupee a copy.

11. When the fair rent of a house has been determined under this Order—

(a) the landlord shall not claim, and shall not be entitled to any rent in excess of such fair rent;

(b) any agreement for the payment of rent in excess of such fair rent shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rent;

(c) any sum in excess of such fair rent paid, whether before or after the commencement of this Order, in respect of residence after the commencement of this Order, shall be refunded to the person by whom it was paid, or at the option of such person, otherwise adjusted.

12. (1) If a tenant in possession wishes to extend the period of tenancy by not less than six, and not more than twelve months, he may give the landlord not less than one month before the expiry of the

[*Orders under Rule 81 (2) (bb), Defence of India Rules.*]

tenancy, a written notice of his intention and upon the delivery of such notice, the tenancy shall, save as hereinafter provided, be deemed to have been extended for the period specified in the notice.

(2) Where the landlord to whom a notice has been given under sub-clause (1) wishes to object to the extension demanded by the tenant, he may within 15 days of the delivery to him of such notice apply to the Controller in that behalf; and if the Controller is satisfied—

(a) that the house is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him, or

(b) that the landlord has prior to the 6th September, 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, or

(c) that the tenant has not been performing any of the conditions of tenancy, or

(d) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period; the Controller shall pass an order disallowing the extension demanded by the tenant.

(3) When an order under sub-clause (2) has been made by the Controller on the ground that the house is required by the landlord for his own occupation or for the occupation of any person for whose benefit the house is held by him or on the ground that the landlord has prior to the 6th September, 1941, entered into an agreement to lease the house to another person immediately after the termination of the existing lease, and the house is not occupied by the aforesaid persons within fifteen days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the house, cancel the previous order made under sub-clause (2) and direct the landlord to place the original tenant in possession of the house and to pay him such compensation as may be fixed by the Controller.

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

13. (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the District Judge, Nasik.

(2) The District Judge, Nasik shall then send for the record of the case from the Controller, and, after perusing such record and, after making such further enquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the District Judge, Nasik, and subject only to such decision, an order of the Controller, shall be final.

### SCHEDULE.

[See clause 9 (2), proviso.]

Where the tenancy is for a period specified in the first column of the table below, the fair rent for such tenancy shall be the amount specified in the corresponding entry in the second column thereof, R, being the fair rent of the house in question as fixed by the Controller for a tenancy of twelve months:—

Period of tenancy.	Fair rent.
More than 11 months, but not more than 12 months	R.
More than 10 months, but not more than 11 months	$\frac{1188}{1200} \times R.$
More than 9 months, but not more than 10 months	$\frac{1160}{1200} \times R.$
More than 8 months, but not more than 9 months	$\frac{1116}{1200} \times R.$
More than 7 months, but not more than 8 months	$\frac{1040}{1200} \times R.$
More than 6 months, but not more than 7 months	$\frac{980}{1200} \times R.$
More than 5 months, but not more than 6 months	$\frac{900}{1200} \times R.$
More than 4 months, but not more than 5 months	$\frac{800}{1200} \times R.$
More than 3 months, but not more than 4 months	$\frac{680}{1200} \times R.$
More than 2 months, but not more than 3 months	$\frac{540}{1200} \times R.$
More than 1 month, but not more than 2 months	$\frac{380}{1200} \times R.$
Not more than 1 month	$\frac{190}{1200} \times R.$

[Orders under Rule 81 (2) (bb), Defence of India Rules.]

Commerce Dept., No. 25-I. T. C./40, dated the 31st December, 1940.—In exercise of the powers conferred by rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the bringing into British India by sea from any place outside India of any <sup>1</sup>[materials] of the descriptions specified in the Schedule hereto annexed, except the following, namely:—

<sup>2</sup>[(i) any materials of such descriptions imported by the Central Government for defence purposes;]

<sup>3</sup>[(ii)] any <sup>1</sup>[materials of such descriptions] imported for transshipment to or under bond for re-export to, any country outside India;

<sup>4</sup>[(iii)] any <sup>1</sup>[materials of such descriptions] covered by an open general licence issued by the Central Government;

<sup>5</sup>[(iv)] any materials of such descriptions covered by a special licence issued on application made before the placing of an order by the Steel Import Controller or by a Deputy Steel Import Controller appointed, or by any other officer authorised, in this behalf by the Central Government.]

Provided that nothing in these exceptions shall prejudice the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

#### Schedule.

(a) Ingots, billets, blooms and slabs.

(b) Flates, medium plates, angles, channels, tees, joists, piling sections, other sectional material, rounds, rods, squares, hexagons, plates, other sections and shapes (and

<sup>1</sup> Subs., Commerce Department Notification No. 44-I. T. C./41, dated the 24th June 1941.

<sup>2</sup> Ins., Commerce Department Notification No. 72-I. T. C./41, dated the 8th November 1941.

<sup>3</sup> Re-numbered, *ibid*.

<sup>4</sup> Clause (ii) omitted, Commerce Department, Notification No. 44-I. T. C./41, dated the 24th June 1941.

<sup>5</sup> Subs., Commerce Department, Notification No. 77-I. T. C./41, dated the 13th December 1941.

<sup>6</sup> Words omitted, Commerce Department, Notification No. 44-I. T. C./41, dated the 24th June 1941.



[Orders under Rule 81 (2) (bb), Defence of India Rules.]

whether black or bright) rails, sleepers, fishplates, soleplates.

(c) Sheets, coated and uncoated, less than 3 mm. including galvanized leadcoated and cel-lactite sheets.

(d) Tinplates, terne plates, black plates, silver finished plates.

(e) Shell steel.

(f) Steel tubes and pipes (including imported hollows).

(g) Hoops, strip (whether coated or uncoated and whether hot or cold rolled).

(h) Tyres, axles, wheels.

(i) Steel castings, forgings, stampings.

(j) Colliery arches, and accessories therefor, pit props.

(k) Steel bolts, nuts, studs, washers, rivets and screws.

(l) Railway springs (whether laminated or coiled).

(m) Wire rods coated or uncoated, wire, whether plain or barbed, wire rope, wire strand, wire netting, wire chain link fencing, wire mesh, <sup>1</sup>[wire nails (including boot and shoe grindery)], wire staple, excluding machine staple.

<sup>2</sup>[(n) rolling rolls for steel works (whether of cast iron, cast steel or forged);

(o) constructional steel, whether fabricated or not, for inclusion in the structure of any building.]

<sup>3</sup>[(p) Ferro Tungsten, tungsten metal powder and other tungsten products.]

(q) Ferro-Molybdenum, Calcium Molybdate, Molyte and other Molybdenum products.

(r) Molybdenum Metal powder.

(s) Ferro-Vanadium.

(t) Ferro-Titanium.

(u) Ferro-Phosphorus.

(v) Ferro-Columbium (also known as Ferro Niobium).

(w) Ferro-Selenium.

(x) Ferro-Silicon.

<sup>1</sup> Subs., Commerce Department, Notification No. 61-I. T. C./41, dated the 23rd August 1941.

<sup>2</sup> Added, Commerce Department, Notification No. 33-I. T. C./41, dated the 22nd February 1941.

<sup>3</sup> Ins. Commerce Department, Notification No. 44-I. T. C./41, dated the 24th June 1941.

<sup>4</sup> Subs., Commerce Department, Notification No. 74-I. T. C./41, dated the 22nd November 1941.

*[Orders under rule 84 and 84 (2), Defence of India Rules.]*

(y) Ferro-Chrome.

(z) Refined Ferro-Manganese (all grades below 3 per cent. carbon).

(za) Silico-Manganese.

(zb) Silico-Spiegel.

(zc) Calcium-Silicide.

(zd) Ferro-Silicon-Zirconium.

(ze) Calcium-Manganese-Silicon.

(zf) Nickel.

(zg) Zinc].

<sup>1</sup>[(zh) Wrought iron and iron cuttings in all forms.].

<sup>2</sup>[(zi) Monel Metal.]

[*Gazette of India*, 1940, Extraordinary, p. 791.]

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*Orders under rule 84 (2), Defence of India Rules.*

*Finance Dept. (Central Revenues), No. 55, dated the 8th September, 1939.*—In exercise of the powers conferred by sub-rule (2) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the taking out of British India by sea, land or air of any articles specified in the Schedule hereto annexed, which are consigned or destined, whether directly or indirectly, for any person in enemy territory as defined in clause (2) of rule 2 of the said Rules.

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*Schedule.*

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles, or animals necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

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<sup>1</sup> Added, Commerce Department Notification No. 55-I. T. C./41, dated the 9th August, 1941.

<sup>2</sup> Added, Commerce Department Notification No. 75-I T. C./41, dated the 13th December 1941.

[*Orders under rule 84 (2), Defence of India Rules.*]

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

(e) All kinds of food, food-stuffs, feed, forage, and clothing, and articles and materials used in their production.

[*Gazette of India, 1939, Extraordinary, p. 253.*]

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*E. A. Dept., No. 21-W., dated the 24th October, 1939.*—In exercise of the powers conferred by sub-rule (2) of rule 84 of the Defence of India Rules, as applied<sup>1</sup> to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to prohibit the taking out of the said areas by land or air of any articles specified in the Schedule hereto annexed, which are consigned or destined, whether directly or indirectly, for any person in enemy territory as defined in clause (2) of rule 2 of the said Rules.

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*Schedule.*

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds, all contrivances for, or means of, transportation on land, in the water or air and machines used in their manufacture or repair; component parts thereof instruments, articles, or animals.

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<sup>1</sup>See Notification No. 23-W., dated the 14th November, 1939, *supra*, p. 1.

[Orders under rule 84 (2), Defence of India Rules.]

necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

- (c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.
- (d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.
- (e) All kinds of food, food-stuffs, feed, forage, and clothing, and articles and materials used in their production.

[*Gazette of India*, 1939, Extraordinary, p. 439.]

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*E. A. Dept., No. 22-W., dated the 2nd November, 1939.*—In exercise of the powers conferred by sub-rule (2) of rule 84 of the Defence of India Rules, as applied<sup>1</sup> to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan district of the Punjab as are not included in the Baluchistan tribal areas, the Central Government is pleased to prohibit the taking out of the said areas by land or air of any articles specified in the Schedule hereto annexed, which are consigned or destined, whether directly or indirectly, for any person in enemy territory as defined in clause (2) of rule 2 of the said Rules.

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*Schedule.*

- (a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used

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<sup>1</sup> See Notification No. 24-W., dated the 14th November, 1939, *supra*, p. 2.

[*Orders under rule 84 (2) and 84 (3), Defence of India Rules.*]

in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds, all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles, or animals necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

(e) All kinds of food-stuffs, food, feed, forage and clothing, and articles and materials used in their production.

[*Gazette of India, 1939, Extraordinary, p. 451.*]

[*Orders under rule 84 (3), Defence of India Rules.*]

*Commerce Dept., No. 66-C. W. (3)/39, dated the 10th February, 1940.*—In exercise of the powers conferred by sub-rule (3), of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the import into India, with effect from the 10th March, 1940, of all goods consigned from any country specified in the First Schedule hereto annexed unless Certificates of Origin and Interest in the form prescribed in the Second Schedule are presented in respect of such goods to the Collector of Customs at the port of import:

Provided—

(1) that no such certificate shall be valid unless it states that of the cost of the goods described therein not more than 25 per cent. was derived from materials grown or produced or from work done within enemy territory;

[Orders under rule 84 (3), Defence of India Rules.]

(2) that this prohibition shall not apply—

- (i) to goods imported in pursuance of clause (a) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules ;
- (ii) to any particular consignments of which the Collector of Customs authorises delivery upon security being given for an amount not exceeding three times the value of the goods for production within such time as he may prescribe of a Certificate of Origin and Interest in the form prescribed, or of an authority issued under the provision specified in the preceding clause ;
- (iii) to any goods which are the *bona fide* personal or household effects of persons entering India ; and
- (iv) to any goods proved to the satisfaction of the Collector of Customs to have left the place from which they were last consigned for India not later than the 10th March, 1940.

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#### FIRST SCHEDULE.

Albania.  
Belgium and Luxemburg.  
Bulgaria.  
Denmark.  
Estonia.  
Finland.  
Greece.  
Hungary.  
Iceland.  
Italy.  
Latvia.  
Liechtenstein.  
Lithuania.  
Netherlands.  
Norway.

[Orders under rule 84 (3), Defence of India Rules.]

Portugal.\*

Roumania.

San Marino.

Spain.\*

Sweden.

Switzerland.

Turkey.

Yugoslavia.

\*Excluding insular territories in the Atlantic Ocean.

## SECOND SCHEDULE.

*Certificate of Origin and Interest.*

I, .....His Majesty's Consul-General/  
 Consul/Vice-Consul at... hereby certify that  
 A (name of applicant) B (occupation of applicant) resid-  
 ing at.....has declared before me that the  
 merchandise designated below, which is to be shipped  
 from..... to ....., consigned to C  
 (name† of consignee) D (occupation of consignee) resi-  
 dent at ....., has not been grown, produced or  
 manufactured in enemy territory; that no person who  
 is an enemy, or with whom trading is prohibited under  
 any law or proclamation for the time being in force,  
 relating to trading with the enemy or relating to trading  
 with persons of enemy nationality or associations, has  
 any interest in such merchandise; and that he has pro-  
 duced to my satisfaction invoices or other trustworthy  
 documents in proof thereof.

The present certificate must not be regarded as an  
 absolute guarantee of the origin of the goods, which re-  
 main liable to seizure if they should prove on examina-  
 tion by the competent British authorities to be of enemy  
 origin.

Number and Descrip- tion of cases.	Marks and Numbers	Weight or Quantity	Total value.*	Contents	Name of pro- ducer, grower or manufacturer.

\*This column may be left blank if desired.

†If desired, the word "order" may be inserted here instead.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 353

[Orders under rule 84 (3), Defence of India Rules.]

No part/Not more than ( ) per cent. of the cost of these goods to the manufacturer is due to material and labour of enemy origin.

The goods covered by this certificate must be shipped within a period of not more than (.....) days from the date hereof.

(Signed).....

(Signature of person declaring).

(Signed).....

(Signature of Consular Officer).

Date.....

(Consular Fee stamp duly cancelled).

This certificate is valid for not more than (one, two, three, etc.), (bales, cases, hogsheads, etc.).

[Gazette of India, 1940, Pt. I., p. 161.]

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Commerce Dept., No. 130-M. I. (War) (1)/39-A., dated the 13th April, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that save with the permission of the Customs Collector.<sup>1</sup>[or Export Trade Controller], no goods shall be shipped as ships' stores on a sea-going vessel other than—

- (i) a vessel belonging to, or chartered or requisitioned by, or on behalf of, His Majesty,
- (ii) a vessel belonging to, or chartered by, a port authority,
- (iii) a sailing vessel, or
- (iv) a home-trade ship as defined in the Indian Merchant Shipping Act, 1923 (XXI of 1923).

[Gazette of India, 1940, Pt. I, 539.]

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Commerce Dept., No. 65-C. W. (58)/40, dated the 20th June, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the

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<sup>1</sup> Ins., Commerce Department Notification No. 130-M. I. W. (1)/39, dated the 10th August, 1940.



[*Orders under rule 84 (3), Defence of India Rules.*]

Central Government is pleased to prohibit the export to any place in Bulgaria, Greece, Hungary, Roumania, Yugoslavia, Switzerland or Lichtenstein, or to any of the Russian ports situate on the Black Sea, or to any French territory in Europe of any goods other than goods of the description specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 65-C. W. (9)/40, dated the 15th May, 1940, unless they are covered by a special permit issued by the Central Government in the Department of Commerce.

[*Gazette of India, 1940, Pt. I, p. 915.*]

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*Commerce Dept., No. 3 (12)-E. T./40, dated the 29th June, 1940.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the import into British India by air or by land across any customs frontier, of any goods which are the property of an enemy as defined in rule 97 of the said Rules, or which are the produce or manufacture of any enemy territory as defined in rule 2 of the said Rules, other than goods imported under an authority given generally or specially by, or by any person authorised in this behalf by, the Central Government.

[*Gazette of India, 1940, Pt. I, p. 907.*]

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*Commerce Dept., No. 65-C. W. (58)/40, dated the 16th July, 1940.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the export to any place in Algeria, Tunis or French Morocco of any goods other than goods of the description specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce,<sup>1</sup> No. 65-C. W. (9)-40, dated the 15th May, 1940, unless they are covered by a special permit issued by the Central Government in the Department of Commerce.

[*Gazette of India, 1940, Extraordinary, p. 349.*]

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<sup>1</sup> See now No. 91-C. W. (6)/41, dated the 14th June, 1941, *infra* p. 362.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.*

[*Orders under rule 84 (3), Defence of India Rules.*]

E. A. Dept., No. 18-W., dated the 6th August, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, as applied<sup>1</sup> to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to prohibit the import into the said areas by air or by land across any customs frontier, of any goods which are the property of an enemy as defined in rule 97 of the said Rules, or which are the produce or manufacture of any enemy territory as defined in rule 2 of the said Rules, other than goods imported under an authority given generally or specially by, or by any person authorised in this behalf by, the Central Government.

[*Gazette of India, 1940, Extraordinary, p. 465.*]

E. A. Dept., No. 20-W., dated the 9th August, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, as applied<sup>1</sup> to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to prohibit the taking by land or air out of the said areas to any place outside India or Burma of any goods the taking of which from British India to any place outside India or Burma is for the time being prohibited by an order under the said rules as in force in British India.

[*Gazette of India, 1940, Extraordinary, p. 483.*]

Home Dept., No. 80/5/39, dated the 16th August, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit <sup>2</sup>[subject to such exceptions as may be made by the Central Government] the taking out of British India to a place outside India otherwise than by post of any Cinematograph film which has not been certified as suitable for export by a person duly appointed as Censor by the Central Government, and of any gramophone record or sound track connected with such film.

[*Gazette of India, 1940, Pt. I, p. 1228.*]

<sup>1</sup> See Notification No. 23-W., dated the 14th November, 1939, *supra*, p. 1.

<sup>2</sup> Ins., Home Department Notification No. 80/5/39, dated the 5th November, 1941.

[Orders under rule 84 (3), Defence of India Rules.]

Commerce Dept., No. 130-M. I. W./40, dated the 2nd November, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that save with the permission of the Customs Collector or Export Trade Controller no fresh water shall be shipped on any sea-going vessel other than—

- (i) a vessel belonging to, or chartered or requisitioned by, or on behalf of, His Majesty,
- (ii) a vessel belonging to, or chartered by, a port authority,
- (iii) a sailing vessel, or
- (iv) a home-trade ship as defined in the Indian Merchant Shipping Act, 1923 (XXI of 1923).

[*Gazette of India*, 1940, Pt. I, p. 1530.]

Commerce Dept., No. 65-C. W. (154)/40, dated the 4th December, 1940.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, and in supersession of the Notification of the Government of India in the Department of Commerce, No. 65-C. W. (124)/40, dated the 9th September, 1940, the Central Government is pleased to prohibit the export to any place in the French Colonies or mandated territories other than the French Establishments in India, French Cameroons, New Caledonia, French Oceania (Tahiti) <sup>1</sup>[Syria, Lebanon] and French Equatorial Africa including Chad <sup>2</sup>[and Gaboon], of any goods other than goods of the description specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, No. 65-C. W. (9)/40, dated the 15th May, 1940, unless they are covered by a special permit issued by the Central Government, in the Department of Commerce.

[*Gazette of India*, 1940, Extraordinary, p. 669.]

Finance Dept. (Central Revenues), No. 1, dated the 11th January, 1941.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India

<sup>1</sup> Ins., Commerce Department Notification No. 65-C. W. (154)/40, dated the 13th September, 1941.

<sup>2</sup> Subs., Commerce Department Notification No. 65-C. W. (154)/40, dated the 18th January, 1941.

<sup>3</sup> See now No. 91-C. W. (6)/41, dated the 14th June 1941, *infra*, p. 362.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 357

[Orders under rule 84 (3), Defence of India Rules.]

Rules, the Central Government is pleased to prohibit the taking out of British India, to any place outside India and Burma of the goods specified in the appended Schedule unless generally or specially permitted by the Reserve Bank of India.

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*Schedule.*

Diamonds of all kinds.

Articles wholly or mainly of platinum or gold.

Precious and semi-precious stones and pearls, whether or not mounted, set or strung, and articles mounted or set with diamonds, precious stones or pearls.

[*Gazette of India*, 1941, Pt. I, p. 37.]

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*Commerce Dept., No. 65-C. W. (20)/41, dated the 12th April, 1941.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that in the case of any goods intended to be taken by sea or by land out of British India to any place outside British India, an Export Trade Controller or a Customs Collector—

- (i) may require an exporter to furnish security by bond, in such form as may be prescribed, that the whole of the goods shall be duly landed in the country of ultimate destination and delivered to the named consignee for consumption therein;
- (ii) may require an exporter to state the name and place of business of the company with whom the goods have been or will be insured against marine and war risks; and
- (iii) shall refuse permission for shipment in any case where the insurance company as declared by the exporter is an enemy as defined in rule 97 of the Defence of India Rules.

[*Gazette of India*, 1941, Pt. I, p. 512.]

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*Commerce Dept., No. 106 (9)-E. T./41, dated the 15th May, 1941.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit

[Orders under rule 84 (3), *Defence of India Rules*.]

the import by sea into India, with effect from the 15th May, 1941, of all goods consigned from any port of Iraq or Iran in the Persian Gulf unless Certificates of Origin and Interest in the Form set forth in the First Schedule hereto annexed, are presented in respect of such goods to the Collector of Customs at the port of import:

Provided—

- (1) that no such certificate shall be valid unless it states that of the cost of the goods described therein not more than 25 per cent. was derived from materials grown or produced or from work done within enemy territory;
- (2) that this prohibition shall not apply—
  - (i) to goods specified in the Second Schedule hereto annexed;
  - (ii) to goods imported in pursuance of clause (a) of the proviso to sub-rule (1) of rule 98 of the *Defence of India Rules*;
  - (iii) to any particular consignments of which the Collector of Customs authorises delivery upon security being given for an amount not exceeding three times the value of the goods for production within such time as he may prescribe of a Certificate of Origin and Interest in the form prescribed, or of an authority issued under the provision specified in the preceding clause;
  - (iv) to any goods which are the *bona-fide* personal or household effects of persons entering India;
  - (v) to any goods proved to the satisfaction of the Collector of Customs to have left the place from which they were last consigned for India not later than the 14th May, 1941;
  - (vi) to goods which, though not covered by Certificates of Origin and Interest in the form prescribed, have been specifically approved for shipment by a Consular Officer of His Majesty in Iraq or Iran, as the case may be.

*Part VI.—Rules and Orders under the Defence of India Act, 1939.*

[Orders under rule 84 (3), Defence of India Rules.]

FIRST SCHEDULE.

*Certificate of Origin and Interest.*

I, ..... His Majesty's Consul-General/  
Consul/Vice-Consul at ..... hereby certify  
that A (name of applicant), B (occupation of applicant)  
residing at ..... has declared before me  
that the merchandise designated below, which is to be  
shipped from ..... to .....,  
consigned to C (name\* of consignee), D, (occupation  
of consignee) resident at ..... has not been  
grown, produced or manufactured in enemy territory;  
that no person who is an enemy, or with whom trad-  
ing is prohibited under any law or proclamation for the  
time being in force, relating to trading with the enemy  
or relating to trading with persons of enemy nationality  
or associations, has any interest in such merchandise;  
and that he has produced to my satisfaction invoices or  
other trustworthy documents in proof thereof.

The present certificate must not be regarded as an  
absolute guarantee of the origin of the goods, which  
remain liable to seizure if they should prove on  
examination by the competent British authorities to  
be of enemy origin.

Number and Description of cases.	Marks and Numbers.	Weight or Quantity.	Total Value.†	Contents.	Name of producer, grower or manufac- turer.

\*If desired, the word "order" may be inserted here instead.

†This column may be left blank if desired.

No part/Not more than ( ) per cent. of the cost  
of these goods to the manufacturer is due to material  
and labour of enemy origin.

The goods covered by this certificate must be ship-  
ped within a period of not more than (.....) days  
from the date hereof.

(Signed).....

(Signature of person declaring).

(Signed).....

(Signature of Consular Officer).

Date.....

(Consular Fee stamp duly cancelled).

[*Orders under Rule 84 (3), Defence of India Rules.*]

This certificate is valid for not more than (one, two, three, etc.), (bales, cases, hogsheads, etc.).

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## SECOND SCHEDULE.

All foodstuffs.

Animal fats.

Camel hair.

Goat hair.

Raw cotton.

1\*       \*       \*

Hides.

Skins.

Leather.

Soapwort.

Petroleum and petroleum products.

Charcoal.

Vegetable oil-seeds.

Vegetable oils.

Opium.

Gum.

Guts.

Gall nuts.

<sup>2</sup>[Attari-Rosebuds.]

[*Gazette of India*, 1941, Extraordinary, p. 281.]

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Commerce Dept., No. 91-C. W. (5)/41, dated the 17th May, 1941.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the export to any place outside India of any goods transhipped at a port in British India other than goods covered by a permit issued by the Customs Collector in this behalf.

[*Gazette of India*, 1941, Pt. I, p. 716.]

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<sup>1</sup> Entries omitted, Commerce Department Notification No. 106 (9)-E. T. (A)/41, dated the 20th December, 1941.

<sup>2</sup> Added, Commerce Department, Notification No. 106-E. T. (A)/41, dated the 11th October, 1941.

[Orders under rule 84 (3), Defence of India Rules.]

Finance Dept., No. F.-1 (65)-F./41, dated the 31st May, 1941.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, and in supersession of the notifications of the Government of India, in the Finance Department, No. D./1316-F., dated the 9th March, 1940, and No. D./C.-388-F., dated the 17th June, 1940, the Central Government is pleased to prohibit, with effect from the 16th June, 1941, the export of any goods, either directly or indirectly, to any of the countries or territories specified in the annexed list, unless a declaration is furnished to the Collector of Customs by the exporter that foreign exchange representing the fair market value of the goods at the port of embarkation has been, or will be, disposed of in a manner and within a period approved by the Reserve Bank of India.

2. In addition to the penalties prescribed by the Defence of India Rules for false representation the Central Government reserves the right to refuse further licenses to export to any person who is found to have furnished a false declaration.

3. The prohibition contained in the first paragraph shall not apply to the export of—

- (1) samples and personal effects, both accompanied and unaccompanied, of passengers and travellers;
- (2) ship's stores, transshipment cargo and goods shipped under the orders of the Central Government or of such officers as may be appointed by the Central Government in this behalf or of the Military, Naval and Air Force authorities in India for Military, Naval or Air Force requirements.

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*List.*

- (i) The United States of America, all territories under the sovereignty of the United States of America, the Philippine Islands and Switzerland.
- (ii) Argentine, Bolivia, Brazil, Chile, <sup>1</sup> \*  
Paraguay, Peru, Portugal and Portuguese

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<sup>1</sup> Entry omitted. Finance Department Notification No. D-9926-F., dated the 12th November, 1941.



[Orders under rule 84 (3), Defence of India Rules.]

Empire (with the exception of Portuguese territories in India), Spain, Sweden, Turkey, and Uruguay.

(iii) <sup>1</sup>[Colombia] Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama excluding Canal zone, Salvador, Venezuela.

(iv) Canada and Newfoundland.

<sup>2</sup>[(v) The Empire of Japan (including Japan proper, Korea, Formosa, Karafuto, Kwantung leased territory, and Islands in the Pacific under Japanese Mandate), Manchuria and China.]

[*Gazette of India*, 1941, Pt. I, p. 778.]

Commerce Dept., No. 91-C. W. (6)/41, dated the 14th June, 1941.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, and in supersession of the notification of the Government of India in the Department of Commerce, No. 65-C. W. (9)/40, dated the 15th May, 1940, the Central Government is pleased to prohibit the export to any place outside India of any goods of the description specified in the Schedule hereto annexed, except the following, namely :—

(a) any goods consigned to or destined for the Portuguese possessions in India and intended for use or consumption therein;

3\* \* \*

<sup>4</sup>[(c) any goods of the description specified in Part E of the said Schedule and consigned to or destined to any part of the British Empire (including Mandated Territories) other than Palestine, Eire, Hong Kong, British North Borneo, Sarawak and the British Pacific Islands];

(d) any goods of the description specified in Part C, of the said Schedule and covered

<sup>1</sup> Ins., Finance Department Notification No. D.-9926-F., dated the 12th November, 1941.

<sup>2</sup> Subs., Finance Department Notification No. F. 1 (138)-F./41, dated the 26th November 1941.

<sup>3</sup> Exception (b) omitted, Commerce Department Notification No. 91-C. W. (6)/41, dated the 26th July, 1941.

<sup>4</sup> Subs., Commerce Department Notification No. 65-C. W. (60)/41, dated the 6th December, 1941.

[*Orders under Rule 84 (3), Defence of India Rules.*]

by an export licence issued by the Central Government in the Department of Supply or by an officer authorised by that Department in this behalf :

- (e) any goods of the description specified in Part B, D or E of the said Schedule and covered by an Export licence issued by or under the orders of the Export Trade Controller appointed in this behalf by the Central Government ;
- (f) any goods constituting the stores or equipment of an outgoing vessel or conveyance, or the *bona-fide* personal effects of the crew of, or of the passengers in, such vessel or conveyance ;
- (g) any goods transhipped at a port in British India ;
- (h) any goods exported under the orders of Naval, Military or Air Force Authorities for Naval, Military or Air Force requirements ;
- (i) any goods exported under the orders of the Central Government or such officers as may be appointed by the Central Government in this behalf ;
- (j) any goods covered by an Open General Licence issued by the Central Government.

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## SCHEDULE.

### PART A.

(*No Licences.*)

1. Arms, Ammunition and Military stores (including explosives and fulminate of mercury).

2. Chemicals and chemical preparations, the following :—

- (i) Chrome alum.
- (ii) Potassium bichromate.
- (iii) Sodium bichromate.
- (iv) Ammonium sulphate.

[*Orders under Rule 84 (3), Defence of India Rules.*]

3. Drugs and medicines, the following :—

Acid Cresylic, Acriflavina, Aether anæstheticus, Arsenious oxide, Atropinæ Sulphas, Barbitonum Solubile, Brilliant Green, Chloroformum, Cocainæ Hydrochloridum, Emetinæ Hydrochloridum, Ergota præparata and preparations, Hexobarbitonum Solubile. Homatropinæ Hydrobromidum, Hyoscinæ Hydrobromidum, Mepacrine Hydrochloride, Pamaquin, Paraldehydum, Pentothol Sodium, Percaine, Potassii Bromidum, Potassii Iodidum; Procainæ Hydrochloridum, Sulphonamide preparations (*e.g.*, 693, etc.).

Sulphanilamide, Soluseptasine M. & B.

4. Any medicinal preparation containing any one or more of the drugs or medicines specified in item 3 of this Part whether in bulk or in any other form, such as tablets, ampoules, solutions, ointments, etc., including all proprietary brands and Trade Mark preparations and equivalents of them intended for oral, hypodermic, intravenous or external use.

5. Horses and mules.

6. Instruments, Apparatus and Appliances, and parts thereof, the following :—

- (i) Clinical thermometers.
- (ii) Optical glass, formed and unformed.
- (iii) Surveying instruments and appliances.
- (iv) Telescopes and binoculars.

7. Kiree or Lac refuse.

8. Metals and Ores, the following :—

Antimony.

9. Textiles, the following :—

- (i) Flax, raw.
- (ii) Flax manufactures.

<sup>1</sup>[10. Vessels for inland and harbour navigation such as launches, boats, barges and dredgers and component parts and equipment thereof.]

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<sup>1</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 29th November 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

PART B.

(Licences issued by the Export Trade Controller.)

1. Bakelite and other synthetic moulding powders.
2. Chemicals and chemical preparations the following:—

(i) Ammonium compounds excluding ammonia and ammonium sulphate.

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(iii) Potassium carbonate.

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3. Chemical manures except ammonium sulphate.
4. Drugs, medicines and medicinal preparations, including camphor, other than those specified in Parts A and C.
5. Glass bottles of crown cork pattern.
6. Instruments, Apparatus and Appliances, and parts thereof, the following:—
  - <sup>2</sup>[(i) Optical instruments (other than optical glass, formed and unformed, surveying instruments and appliances, telescopes, binoculars and microscopes).]
  - (ii) Photographic papers, plates and films (excluding those used in X-ray photography and excluding cinema films).
7. Provisions, canned and bottled.

PART C.

(Licences issued by the Central Government in the Department of Supply or by an officer authorised by that Department in this behalf.)

1. Abrasives, manufactured, including grinding wheels.
2. Belting for Machinery—
  - (i) of cotton;
  - (ii) of hair;
  - (iii) of leather.

<sup>1</sup>Entry omitted, Commerce Department Notification No. 91 C. W. (6)/41, dated the 16th August 1941.

<sup>2</sup>Subs., Commerce Department Notification No. 91 C. W. (6)/41, dated the 4th October 1941.

[*Orders under Rule 84 (3), Defence of India Rules.*]

<sup>1</sup>[2A. Bristles, pig.]

3. Carbonised coconut shell.

4. Chemicals and chemical preparations, the following :—

(i) Acetone.

(ii) Acid Acetic.

(iii) Acid Formic.

(iv) Acid Hydrochloric.

(v) Acid Nitric.

(vi) Acid Sulphuric.

(vii) Alcohol Methyl.

(viii) Aluminium Oxide.

(ix) Aluminous sulphates (including all forms of alum except chrome alum).

(x) Ammonia.

(xi) Aniline and alkylated aniline.

(xii) Barium Sulphates (Barytes).

<sup>2</sup>[(xiii) Bleaching powder and Chlorine.]

(xiii) Calcium acetate (acetate of lime).

(xiv) Calcium carbide.

(xv) Caustic potash.

<sup>2</sup>[(xvi) Caustic Soda.]

(xvi) Chlorinated hydrocarbons including carbon tetra-chloride.

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(xviii) Glycerine.

<sup>4</sup>[(xix) Iodine.

(xix-a) Lithophone.]

(xx) Magnesium sulphate.

(xxi) Naphthalene.

<sup>5</sup>[(xxia) Potassium Chloride.]

(xxii) Phosphorus.

<sup>2</sup>[(xxiia) Sodium Bicarbonate.

(xxiib) Sodium Carbonate.]

<sup>1</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41 dated the 9th August 1941.

<sup>2</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 16th August 1941.

<sup>3</sup> Entry omitted, Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

<sup>4</sup> Subs., *ibid.*

<sup>5</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 29th November 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

(xxiii) Sodium hydrosulphite.

(xxiv) Sodium Nitrite.

<sup>1</sup>[(xxiva) Sodium Silicate.

(xxivb) Sodium Sulphate.

(xxive) Sulphur.]

<sup>2</sup>[(xxv) Salts and other compounds of <sup>3</sup>[Chromium] copper, lead, mercury, molybdenum, nickel, platinum, radium, tin and zinc.]

(xxvi) Toluol (toluene).

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<sup>5</sup>[4A. Cork and cork manufactures.]

5. Drugs and medicines, the following :—

Acidum Acetylsalicylicum, Acidum Boricum, Acidum Citricum, Acidum Mandelicum, Acidum Salicylicum, Acidum Tannicum, Acidum Tartaricum, Adrenalina and preparations, Aethylis Chloridum, Amylis Nitris, Amylocaine Hydrochloride, Antrypol, Naganol Argentoproteinum Belladonna roots, Benzoinum, Bismuthi Carbonas, Borax, Caffeina, Calci Gluconas, Camphora, Chloral Hydras, Chrysarobinum Cinchona, Cresotum, Dextrosum, Fluoresceinum, Glucosum Liquidum, Hexamina, Insulinum, Iodum and preparations, Ipecacuanha and preparations, Liquor Formaldehydi, Menthol, Morphine salts, Neoarsphenamina, Oleum Menthae Piperitæ, Phenacetinum, phenobarbitonum Solubile, Phenol, Physostigminæ, Salicylas, Pituitary Extract, Resorcinol, Quinine salts, Sodii Bicarbonas, Sodii Salicylas, Sulpharsphenamina, Thymol.

6. Any medicinal preparation containing any one or more of the drugs or medicines specified in item 5 of this Part whether in bulk or in any other form, such as tablets, ampoules, solutions, ointments, etc., including all proprietary brands and Trade Mark preparations and

<sup>1</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 16th August 1941.

<sup>2</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

<sup>3</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 25th October 1941.

<sup>4</sup> Entry omitted, Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

<sup>5</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 19th July 1941.

[*Orders under Rule 84 (3), Defence of India Rules.*]

equivalents of them intended for oral, hypodermic, intravenous or external use.

7. Sera.

8. Dyestuffs, the following :—

(i) Synthetic dyestuffs, including coal tar derivatives used in any dyeing process.

(ii) Natural indigo.

9. Graphite and graphite crucibles.

10. Hydraulic packing.

11. Instruments, Apparatus and Appliances, and parts thereof, the following :—

(i) Electric fans and accessories.

(ii) Electric wires and cables (including telegraph and telephone wires) and accessories.

(iii) Telegraph and telephone instruments and apparatus.

(iv) Electrical insulating materials of all sorts.

(v) Accumulators and dry cells.

(vi) Electric lamps.

(vii) Electric lighting accessories and fittings.

(viii) Photographic Plates and films used in X-ray photography.

(ix) Surgical and veterinary instruments, apparatus and appliances, including cotton-wool and lint.

(x) Wireless instruments and parts thereof.

<sup>1</sup>[(xi) All electrical instruments, apparatus and appliances, not specifically included under any other entry.

(xii) Microscopes.]

12. Machinery and millwork, including parts thereof, and leather manufactures which are component parts of power-operated machinery, but excluding :—

(i) machine tools of any description, and

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<sup>1</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

*Part VI.—Rules and Orders under the Defence of 369  
India Act, 1939.*

*[Orders under Rule 84 (3), Defence of India Rules.]*

(ii) parts of machinery and millwork and leather manufactures which are component parts of power-operated machinery which—

(a) if of foreign manufacture; are exported for purposes of repairs or are being returned to the manufacturers as defective, or

(b) if of Indian manufacture; are supplied to any country in the British Empire.

13. Machine Tools of all descriptions and parts thereof.

14. Manila rope.

<sup>1</sup>[15. Metals and Ores, the following :—

(i) Aluminium and aluminium alloys.

(ii) Antimony alloys containing more than 10 per cent of antimony including printing and bearing alloys.

(iii) Copper ores; copper wrought and unwrought; copper plates and sheets; copper wire, drawn; copper alloys.

(iv) Ferro alloys including ferro-chrome, ferro-manganese, ferro-phosphorous, ferro-silicon, ferro-titanium, ferro-tungsten, ferro-vanadium and ferro-molybdenum.

(v) Iridium; osmiridium; iridosmine and concentrates containing iridium.

(vi) Iron or steel :—

(a) Pig iron.

(b) High speed Tool Steel in any form.

(c) Die steel of any form.

(d) Steel ingots.

(e) Rolled, forged or cast steel.

(f) Iron castings.

(g) Tin plate.

(vii) Lead ore; pig lead; lead sheets; lead pipes and tubes; lead alloys.

(viii) Magnesium and magnesium alloys.

(ix) Mercury.

(x) Molybdenum and molybdenum ores.

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<sup>1</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41 dated the 4th October 1941.



[*Orders under Rule 84 (3), Defence of India Rules.*]

(xi) Nickel; nickel oxide; nickel ore and matte; nickel alloys.

(xii) Phosphor alloys.

(xiii) Platinum, crude and refined; platinum alloys.

(xiv) Radium, radium ores and concentrates.

(xv) Tin, wrought and unwrought; tin alloys.

(xvi) Vanadium and Vanadium ores.

(xvii) Zinc or spelter, wrought and unwrought; zinc concentrates, dross and manufacturing residues; zinc alloys.

(xviii) Scrap containing any of the metals or alloys specified in entries (i) to (xvii).]

<sup>1</sup>[15A. Manufactured articles not specified elsewhere in this Schedule, made wholly or mainly of any of the metals or alloys specified in item 15; including containers (when not in use as containers or when in use as containers of other goods specified in this Part).

(N.B.—*An article shall be deemed to be made mainly of any of the metals or alloys specified in item 15 if such metal or alloy constitutes the major part of either the bulk or the value of the article.*.)]

16. Textiles, the following:—

Cotton mosquito netting.

17. Vehicles (excluding old scrap parts), the following:—

(i) Aircraft and parts of aircrafts.

<sup>2</sup>[(ii) Motor vehicles, namely, motor cars, motor cycles and motor omnibuses, vans and lorries and chassis for the same, whether fitted with rubber tyres and tubes or not.

(iii) Parts of motor vehicles, including rubber tyres and tubes.].

18. Wood preservatives, the following:—

(i) Coal tar.

(ii) Creosote.

(iii) Mixtures containing coal tar or creosote.

<sup>1</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 29th November 1941.

<sup>2</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 26th July 1941.

Part VI.—Rules and Orders under the Defence of 371  
India Act, 1939.

[Orders under Rule 84 (3), Defence of India Rules.]

<sup>1</sup>[19. Wood and timber, the following :—

Coniferous timber, namely, *Pinus longifolia* (Chir) *Pinus excelsa* (Kail), *Picea Morinda* (Spruce), *Abies Pindrow* (Fir), and *Cedrus Deodara* (Deodar); plywood and other laminated wood; also chests, boxes, crates and other containers made therefrom when exported empty, and parts thereof including shooks.]

FART D.

(Licences issued by the Export Trade Controller.).

1. Chemicals and chemical preparations, the following :—

Potassium chlorate.

<sup>2</sup>[1A. Containers made wholly or mainly of any of the metals or alloys specified in item 15 of Part C, when in use as containers of goods not specified in the said Part.

(N.B.—An article shall be deemed to be made mainly of any of the metals or alloys specified in item 15 of Part C, if such make or alloy constitutes the major part of either the bulk or the value of the article.).]

<sup>3</sup>[2. Diamonds, precious and semi-precious stones.]

3. Metals and ores, the following :—

(i) Beryl (Beryllium), ore, metal and alloys.

(ii) Tungsten and Tungsten ore (Wolfram).

4. Mica.

5. Paper and pasteboard, all sorts.

6. Pulp of wood for paper-making.

7. Quartz Crystals.

8. Tea packed in aluminium foil or aluminium lined tea chests.

<sup>4</sup>[9. Textiles the following :—

(i) Cotton twist and yarn.

(ii) Cotton piecegoods.

(iii) Wool, raw.]

<sup>6</sup>[10. Wheat and wheat flour.]

<sup>1</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41 dated the 29th November 1941.

<sup>2</sup> Ins., *ibid.*

<sup>3</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

<sup>4</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 20th December 1941.

<sup>5</sup> Ins., Commerce Department Notification No. 91-C. W. (6)/41, dated the 15th November 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

PART E.

(Licences issued by the Export Trade Controller.).

1. Animal bladders, guts and casings.
2. Asbestos and manufactures thereof.
3. Candles of all kinds.
4. Chemicals and chemical preparations, the following :—

(i) Arsenic salts.

<sup>1</sup>[(ii) Flourspar.]

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5. Coal.

6. Coffee.

7. Coir, unmanufactured and manufactured.

8. Fibres for brushes and brooms.

9. Fruits, nuts and vegetables (including dried, salted, or preserved, not being canned or bottled).

<sup>3</sup>[10. Grain, pulse and flour, other than wheat and wheat flour.]

11. Gums and resins, all sorts.

12. Hair of all kinds and manufactures of hair.

13. Hides and skins, raw, all sorts.

14. Hides and skins, tanned or dressed, all sorts.

15. Lac, all sorts excluding Kiree or Lac refuse.

16. Magnesite.

17. Metals and Ores, the following :—

(i) Antimony ore.

(ii) Aluminium ore (Bauxite and Laterite).

(iii) Arsenic, ore and metal.

(iv) Cadmium.

(v) Chrome ore and metal.

(vi) Cobalt ore.

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(viii) Ilmenite, Monazite, Rutile, Zircon, Kyanite and Sillimanite.

<sup>1</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

<sup>2</sup> Entry omitted, Commerce Department Notification No. 91-C. W. (6)/41, dated the 16th August 1941.

<sup>3</sup> Subs., Commerce Department Notification No. 91-C. W. (6)/41, dated the 15th November 1941.

<sup>4</sup> Entry omitted, Commerce Department Notification No. 91-C. W. (6)/41, dated the 4th October 1941.

*Part VI.—Rules and Orders under the Defence of 373:  
India Act, 1939.*

[*Orders under Rule 84 (3), Defence of India Rules.*]

(ix) Iron ore.

(x) Iron pyrites.

(xi) Manganese ore and Manganese.

(xii) Nickel manufactures.

(xiii) Silver—ore, metal, alloys and manufactures.

(xiv) Titanium metal.

(xv) Uranium.

(xvi) Zinc ore.

18. Myrobalans and other tanning substances.

19. Oilcakes, all sorts.

20. Oils, animal, all sorts.

21. Oils, mineral, all sorts (including crude oil, kerosene, fuel oils, lubricating oils, greases, petrol, benzine and benzol).

22. Oils: vegetable, non-essential, all sorts.

<sup>1</sup>[23. Paints and colours, all sorts, excluding zinc oxide and zinc compounds.]

24. Rubber, scrap and waste.

25. Rubber, raw.

<sup>1</sup>[26. Rubber manufactures, all sorts, not specified in Part C.]

27. Scrap cinematograph films.

28. Seeds, the following:—

(i) Seeds, oilseeds, non-essential, all sorts.

(ii) Seeds, other than oilseeds.

29. Spices.

30. Starch, dextrine and farina.

31. Sugar including molasses.

32. Talc.

33. Tallow and stearine, all sorts.

34. Tea, excluding tea packed in aluminium foil or aluminium lined tea chests.

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<sup>1</sup>Subs., Commerce Department Notification . . . 91-C. W.  
( 6)/41, dated the 26th July 1941.

374 *Legislation and Orders relating to the War.*

[*Orders under Rule 84 (3), Defence of India Rules.*]

35. Textiles, the following :—

- (i) Artificial silk yarn and manufactures, including mixtures with other textiles or staple fibre.
- <sup>1</sup>[(ii) Cotton manufactures, all sorts, not specified in Parts C and D.]
- (iii) Cotton, raw and waste.
- (iv) Hemp manufactures other than manila rope.
- (v) Hemp, raw.
- (vi) Jute, manufactures.
- (vii) Jute, raw.
- (viii) Kapok.
- (ix) Mesta-fibre.
- (x) Ramie fibre and piecegoods made therefrom.
- (xi) Silk, raw cocoons, waste products (including Duppon) and handreeled.
- (xii) Silk yarn and manufactures, all sorts.
- (xiii) Wool manufactures.

36. Turpentine and pine oil.

37. Wax of all kinds, including paraffin wax.

[*Gazette of India*, 1941, Pt. I, p. 840.]

Commerce Dept., No. 91-C. W. (7)-41, dated the 14th June, 1941.—The following Open General Licence issued by the Central Government under the notification of the Government of India in the Department of Commerce, <sup>2</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, is published for general information :—

### EXPORT TRADE CONTROL.

#### OPEN GENERAL LICENCE No. 1.

In pursuance of clause (j) of the notification of the Government of India in the Department of Commerce <sup>2</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, the Central Government gives general permission to all persons to export to the French possessions in India any of the goods included in the Schedule annexed to the said notification.

[*Gazette of India*, 1941, Pt. I, p. 844.]

<sup>1</sup> Ins., Commerce Department Notification No. 91-C.W. (6)/41, dated the 20th December 1941.

<sup>2</sup> *Supra*, p. 362.

[Orders under Rule 84 (3), Defence of India Rules.]

Commerce Dept., No. 91-C. W. (8)-41, dated the 14th June, 1941.—The following Open General Licence issued by the Central Government under the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, is published for general information :—

## EXPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. 2.

In pursuance of clause (j) of the notification of the Government of India in the Department of Commerce <sup>1</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, and in supersession of Open General Licence No. 2 issued with the notification No. 91-C. W. (4)/41, dated the 26th April, 1941, the Central Government gives general permission to all persons to export to Burma any of the goods included in the Schedule annexed to the first mentioned notification except the following, namely :—

1. The following goods included in Part A of the said Schedule, namely :—

(a) Arms, ammunition and military stores (including explosives and fulminate of mercury);

(b) Chemicals and chemical preparations, the following :—

(i) Ammonium sulphate.

(ii) Chrome Alum.

(iii) Potassium bichromate.

(iv) Sodium bichromate.

<sup>2</sup>[(c) Drugs and medicines, the following :—

Acid Cresylic, Acriflavina, Aether anæstheticus, Arsenious oxide, Atropinæ Sulphas, Barbitonum Solubile, Brilliant Green, Chloroformum, Cocainæ Hydrochloridum, Emetinæ Hydrochloridum, Ergota præparata and preparations, Hexobarbitonum Solubile, Homatropinæ Hydrobromidum, Hyoscine Hydrobromidum, Mepacrine Hydrochloride, Pamaquin,

<sup>1</sup> *Supra* p. 362.

<sup>2</sup> *Ins.*, Commerce Department Notification No. 91-C. W. (8)/41, dated the 26th July 194

[*Orders under Rule 84 (3), Defence of India Rules.*]

Paraldehydum, Pentothol Sodium, Per-  
caine, Potassii Bromidum, Potassii  
Iodidum, Procainæ Hydrochloridum,  
Sulphonamide preparations (*e.g.*, Sul-  
phanilamide, Solusepatasine M. & B.  
693, etc.).

(d) Instruments, apparatus and appliances and  
parts thereof, the following :—

Telescopes and binoculars.

(e) Mules.]

2. The following goods included in Part C of the  
said Schedule, namely :—

(a) Chemicals and chemical preparations, the  
following :—

(i) Ammonia.

(ii) Caustic potash.

(iii) Glycerine.

(iv) Naphthalene.

(v) Phosphorus.

(b) Dyestuffs, the following :—

(i) Synthetic dyestuffs, including coal tar deri-  
vatives used in any dyeing process, and

(ii) natural indigo.

(c) Iron or steel :—

(i) Pig iron.

(ii) High Speed Tool steel in any form.

(iii) Die steel of any form.

(iv) Other steel ingots, blooms, billets and  
slabs.

(v) Manufactures, including scrap for re-  
manufacture.

(vi) Tin plate and tin plate scrap.

(d) Machine tools of all descriptions and parts  
thereof.

<sup>1</sup>[(e) Vehicles (excluding old scrap parts), the  
following :—

(i) Motor vehicles, namely, motor cars, motor  
cycles and motor omnibuses, vans and

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<sup>1</sup> Subs., Commerce Department Notification No. 91-C.W./ (S),  
41, dated the 26th July 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

lorries and chassis for the same, whether fitted with rubber tyres and tubes or not.

(ii) Parts of motor vehicles, including rubber tyres and tubes.]

<sup>1</sup>[3. The following goods included in Part D of the said Schedule, namely:—

(a) Wheat and wheat flour.]

[Gazette of India 1941, Pt. I, p. 844.]

Commerce Dept., No. 91-C. W. (9)/41, dated the 26th July, 1941.—The following Open General Licence issued by the Central Government under the notification of the Government of India in the Department of Commerce, <sup>2</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, is published for general information:—

## EXPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. 3.

In pursuance of clause (j) of the notification of the Government of India in the Department of Commerce <sup>2</sup>No. 91-C. W. (6)/41, dated the 14th June, 1941, and in supersession of Open General Licence No. 3 issued with notification No. 91-C. W. (9)/41, dated the 14th June, 1941, the Central Government gives general permission to all persons to export by land to any country contiguous to the land frontier of India other than the French or Portuguese possessions in India any of the following articles in the Schedule annexed to the first-mentioned notification, provided they are intended for use or consumption therein, namely:—

(A) Any goods included in the said Schedule which are consigned under any of the procedures prescribed for regulating transit traffic to such countries through India from foreign countries overseas except the following, namely:—

(i) Motor vehicles, namely, motor cars, motor cycles and motor omnibuses, vans and lorries and chassis for the same, whether fitted with rubber tyres and tubes or not;

<sup>1</sup> Ins., Commerce Department Notification No. 91-C. W. (8)/41, dated the 6th December 1941.

<sup>2</sup> *Supra*, p. 362.



[*Orders under Rule 84 (3), Defence of India Rules.*]

- (ii) Parts of motor vehicles, including rubber tyres and tubes.

(B) The following goods included in the Schedule to the said notification when not consigned under any of the procedures prescribed for regulating transit traffic to such countries through India from foreign countries overseas, namely :—

(a) The following articles included in Part A of the said Schedule, namely :—

- (i) Arms and Ammunition, if lawfully exported in accordance with the provisions of the Indian Arms Act, 1878 (XI of 1878).

- (ii) Lenses fitted to spectacle frames.

(b) The following articles included in Part B of the said Schedule, namely :—

1. Chemicals and chemical preparations, the following :—

- (i) Bleaching powder.
- (ii) Potassium Carbonate.
- (iii) Sulphur.

2. Drugs, medicines and medicinal preparations of Indian produce or manufacture, other than those included in Parts A and C of the said Schedule.

3. Instruments, apparatus and appliances, the following :—

- (i) Optical instruments (other than optical glass, formed and unformed, surveying instruments and appliances, telescopes and binoculars).
- (ii) Photographic papers, plates and films (excluding those used in X-ray photography and excluding cinema films).

4. Provisions, canned and bottled.

(c) The following articles included in Part C of the said Schedule, namely :—

- (i) Electrical insulating materials, all sorts.

- (ii) Coniferous timber, namely :—

*Pinus longifolia* (Chir),

*Pinus excelsa* (Kail),

[*Orders under Rule 84 (3), Defence of India Rules.*]

licence issued by the Import Trade Controller appointed in this behalf by the Central Government;

- (vi) any goods of the descriptions specified in Part B of the Schedule and covered by a special licence issued by the Chief Controller of Imports appointed, or by any other officer authorised in this behalf by the Central Government;
- (vii) goods of any description specified in columns 2 and 3 of the Schedule which have been despatched on through consignment to India before the date entered against that description in column 4 of the Schedule;
- <sup>1</sup>[(viii) goods of any description the importation of which is covered by an import licence issued in pursuance of the <sup>2</sup>Machine Tool Control Order, 1941;]

Provided that nothing in these exceptions shall prejudice the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

#### SCHEDULE.

(N.B.—Each entry in column 2 has the same meaning as in the Import Tariff item specified against it in column 3 being the item which applies, wholly or in part to the entry in column 2.)

#### PART A.

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
1	Bacon and Ham, not canned or bottled . . . . .	2	10-5-41
2	Butter, Cheese and Ghee . . . . .	4	10-5-41
3	Milk, condensed or preserved, including milk cream . . . . .	4 (1)	10-5-41
4	Coral unprepared . . . . .	5	1-8-41
5	Ivory, unmanufactured . . . . .	5 (2)	27-5-40
6	Vegetables, all sorts, fresh, dried, salted or preserved, not otherwise specified . . . . .	7	10-5-41

<sup>1</sup> Ins., Commerce Dept. Notfn. No. 68-I. T. C./41, dated the 11th October, 1941.

<sup>2</sup> *Supra*, page 278.

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
7	Fruits, all sorts, fresh, dried, salted or preserved, not otherwise specified . . .	8	27-5-40
8	Coffee, not otherwise specified . . .	9	10-5-41
9	Coffee, canned or bottled . . .	9 (1)	10-5-41
10	Cloves, all sorts, whether ground or unground . . .	9 (3)	22-2-41
11	Lard, not canned or bottled . . .	15 (1)	10-5-41
12	Vegetable non-essential oils not otherwise specified . . .	15 (6)	10-5-41
13	Canned or bottled bacon, ham and lard . . .	16	10-5-41
14	Fish, canned . . .	16 (1)	10-5-41
15	Isinglass, canned or bottled . . .	16 (2)	10-5-41
16	Sugar excluding confectionery . . .	17	27-5-40
17	Confectionery . . .	17 (2)	27-5-40
18	Sugar-Candy . . .	17 (3)	27-5-40
19	Cocoa and chocolate other than confectionery . . .	18	10-5-41
20	Biscuits, cakes and farinaceous and patent foods, canned or bottled . . .	19	10-5-41
21	Vegetable product, canned or bottled . . .	20	10-5-41
22	Jams, jellies, pickles, chutnies, sauces and condiments, canned or bottled . . .	20	27-5-40
23	Fruit juices . . .	20 (1)	10-5-41
24	Fruits, canned or bottled . . .	20 (2)	27-5-40
25	Vegetables, canned or bottled . . .	20 (2)	10-5-41
26	Canned or bottled provisions, not otherwise specified . . .	21	10-5-41
27	Provisions and Oilman's stores and Groceries, all sorts not otherwise specified . . .	21 (1)	10-3-41
28	All sorts of food not otherwise specified . . .	21 (2)	10-5-41
29	All sorts of drink not otherwise specified . . .	22	10-5-41
30	Ale, beer, porter, cider and other fermented liquors . . .	22 (2)	27-5-40
31	Wines, all sorts . . .	22 (3)	10-5-41
32	Spirits (other than denatured spirit) . . .	22 (4)	10-5-41
33	Spirits other than those contained in drugs and medicines excluding proprietary and patent medicines . . .	22 (5)	10-5-41
34	Proprietary and patent medicines containing spirit . . .	22 (5) (b)	26-10-40
35	Vinegar in casks . . .	22 (7)	10-5-41
36	Tobacco, manufactured, not otherwise specified . . .	24	27-5-40
37	Cigars . . .	24 (1)	27-5-40
38	Cigarettes . . .	24 (2)	27-5-40

## [Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
39	Cement not otherwise specified . . .	25 (4)	10-5-41
40	Portland cement excluding white Portland cement . . . . .	25 (5)	10-5-41
41	Marble and stone not otherwise specified . . . . .	25 (7)	27-5-40
42	Proprietary and patent medicines . . .	28	27-5-40
43	Mercury Amalgams and compounds and preparations thereof excluding antifouling compositions . . .	28	16-8-41
44	Toilet requisites not otherwise specified	28 (14)	27-5-40
45	Cinematograph films, exposed . . .	29 (1)	27-5-40
46	Paints, colours and painters' materials, all sorts not otherwise specified, including paints solutions and compositions containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1934 excluding Aluminium Powder and Paint. If packed ready for retail sale . . .	30	10-5-41
47	Paints, colours and painters' materials, the following namely :— . . . (a) Red lead, genuine dry, genuine moist and reduced moist. (b) Whitelead, genuine dry. (c) Zinc white, genuine dry. (d) Paints, other sorts, coloured, moist. If packed ready for retail sale.	30 (2)	10-5-41
48	Paints, colours and painters' materials, the following, namely :— . . . (a) Red lead, reduced dry. (b) White lead, genuine moist, and reduced dry or moist. (c) Zinc white, genuine moist. (d) Zinc white, reduced dry or moist. If packed ready for retail sale.	30 (3)	10-5-41
49	The following paints, colours and painters' materials, namely, barytes, turpentine, turpentine substitute, and varnish not containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1934. If packed ready for retail sale . . .	30 (4)	10-5-41
50	Lead pencils . . . . .	30 (7)	27-5-40
51	Perfumery, not otherwise specified . .	31 (5)	6-9-41
52	Soap, not otherwise specified . . .	32	27-5-40
53	Soap, toilet . . . . .	32 (1)	27-5-40
54	Soap, household and laundry . . .	32 (2)	27-5-40

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
55	Skins (other than Fur skins), tanned or dressed, and unwrought leather .	36 (2)	27-5-40
56	The following leather manufactures, namely, saddlery, harness, trunks and bags .	37	10-5-41
57	Leather cloth including artificial leather, and other manufactures of leather not otherwise specified .	37 (1)	10-5-41
58	Fur Skins, dressed .	38	27-5-40
59	<sup>1</sup> [ Rubber tyres and tubes and other manufactures of rubber, not otherwise specified, excluding apparel, rubber lined fire hose and boots and shoes ] .	39 (1)	27-5-40
60	Furniture and cabinetware, not otherwise specified, excluding mouldings .	40 (2)	27-5-40
61	(i) Aluminium tea chest linings .	40 (3)	10-1-41
	(ii) Tea chests containing aluminium .	40 (3)	6-9-41
62	Furniture of wickerwork or bamboo .	42	27-5-40
63	Writing paper, all sorts .	44	7-1-41
64	Printing paper, excluding poster and stereo and all coated papers, but including art paper, all sorts which contain no mechanical wood pulp or in which the mechanical wood pulp amounts to less than 70 per cent. of the fibre content .	44 (1)	7-1-41
65	Printing paper, all sorts, not otherwise specified which contain mechanical wood pulp amounting to not less than 70 per cent. of the fibre content, excluding white printing paper .	44 (2)	7-1-41
66	Paper, including poster and stereo and all coated papers except art papers, all sorts, not otherwise specified, excluding cigarette paper and packing and wrapping paper .	44 (3)	7-1-41
67	Newspapers, old, in bales and bags .	44 (7)	5-7-41
68	Stationery including drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter and other cards, including cards in booklet forms .	45	27-5-40
69	Articles made of paper and papier mache .	45	6-9-41
70	Books, printed, including covers for printed books, maps, charts and plans, proofs, music manuscripts, and illustrations specially made for binding books, excluding educational books .	45 (1)	10-5-41

<sup>1</sup> Subs., Commerce Department Notification No. 70-I. T. C./41, dated the 1st November, 1941.

## [Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception. (vii).
1	2	3	4
71	Prints, Engravings and Pictures (including Photographs and picture postcards) on paper or card-board .	45 (2)	10-5-41
72	Artificial silkyarn and thread . . .	47 (2)	1-8-41
73	Cotton thread other than sewing or darning thread . . .	47 (5)	1-8-41
74	Cotton twist and yarn, and cotton sewing or darning thread . . .	47 (6)	1-8-41
75	Twist and yarn of flax or jute . . .	47 (7)	1-8-41
76	Fabrics, not otherwise specified, containing more than 90 per cent. of silk, including such fabrics embroidered with artificial silk . . .	48	27-5-40.
77	Fabrics, not otherwise specified, containing more than 90 per cent. of artificial silk . . .	48 (1)	1-8-41
78	Cotton fabrics not otherwise specified, containing more than 90 per cent. of cotton—		
	(i) Grey piecegoods (excluding bordered grey chadars, dhuties, saris and scarves) .	48 (3) (a)	1-8-41
	(ii) Printed piecegoods and printed fabrics . . .	48 (3) (b)	1-8-41
	(iii) Cotton piecegoods and fabrics not otherwise specified .	48 (3) (c)	1-8-41
79	Fabrics, not otherwise specified, containing more than 10 per cent. and not more than 90 per cent. of silk .	48 (4)	27-5-40.
80	Fabrics, not otherwise specified, containing not more than 10 per cent. silk but more than 10 per cent. and not more than 90 per cent. artificial silk . . .	48 (5)	1-8-41.
81	Fabrics, not otherwise specified, containing not more than 10 per cent. silk or 10 per cent. artificial silk or 10 per cent. wool, but containing more than 50 per cent. cotton and not more than 90 per cent. cotton .	48 (7)	1-8-41.
82	Fabrics, not otherwise specified, containing not more than 10 per cent. silk or 10 per cent. artificial silk or 10 per cent. wool or 50 per cent. cotton . . .	48 (8)	1-8-41.
83	The following cotton fabrics, namely Sateens including italians of Sateen weave, velvets and velveteens and embroidered allovers . . .	48 (9)	1-8-41
84	Fabrics containing gold or silver thread . . .	48 (10)	1-8-41

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vi).
1	2	3	4
85	Textile manufactures, the following articles when made wholly or mainly of any of the fabrics specified in Import Tariff item No. 48, 48 (1), 48 (3), 48 (4), 48 (5), 48 (7), 48 (9) or 48 (10):—	49	1-8-41
	Bed sheets.		
	Bed spreads.		
	Bolster cases.		
	Counterpanes.		
	Cloths, table.		
	Cloths, tray.		
	Covers, bed.		
	Covers, table.		
	Dusters.		
	Glass-cloths.		
	Handkerchiefs.		
	Napkins.		
	Pillow cases.		
	Pillow slips.		
	Scarves.		
	Shirts.		
	Shawls.		
	Sacks (cotton).		
	Towels.		
	Umbrella Coverings.		
86	Fents, being <i>bona fide</i> remnants of piecegoods or other fabrics—		
	(i) of materials liable to duty under Import Tariff Item 48 (3), not exceeding 4 yards in length . . . . .	49 (1) (a)	1-8-41
	(ii) of other materials, not exceeding 4 yards in length . . . . .	49 (1) (c)	1-8-41
87	Ribbons . . . . .	49 (2)	1-8-41
88	Oil cloth and floor cloth . . . . .	50 (5)	10-5-41
89	Mats and Mattings, not otherwise specified . . . . .	50 (7)	27-5-40
90	Socks and stockings made wholly or mainly from silk or artificial silk . . . . .	51	1-8-41
91	Cotton knitted apparel, including apparel made of cotton interlocking material, cotton undervests, knitted or woven, and cotton socks and stockings . . . . .	51 (2)	1-8-41
92	Cotton knitted fabric . . . . .	51 (3)	1-8-41

## [Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
93	Lace and embroidery . . . . .	52	27-5-40
94	Apparel, haberdashery, millinery and drapery, not otherwise specified . . . . .	52	27-5-40
95	Textile Manufactures not otherwise specified . . . . .	53	1-8-41
96	Hats, caps, bonnets and hatters' ware, not otherwise specified . . . . .	55	27-5-40
97	Parasols and Sunshades and fittings for umbrellas, parasols and sunshades . . . . .	56	27-5-40
98	Umbrellas . . . . .	56 (1)	27-5-40
99	Articles made of Stone or Marble . . . . .	58	27-5-40
100	Tiles other than glass earthenware or porcelain tiles . . . . .	59	27-5-40
101	Earthenware, all sorts, not otherwise specified . . . . .	59 (2)	27-5-40
102	China and porcelain, all sorts not otherwise specified . . . . .	59 (2)	27-5-40
103	Earthenware pipes and sanitary ware . . . . .	59 (3)	27-5-40 <sup>0</sup>
104	Tiles of earthenware and porcelain . . . . .	59 (4)	27-5-40
105	Domestic Earthenware, china and porcelain . . . . .	59 (5)	27-5-40
106	(a) Sheet and Plate glass . . . . .	60	27-5-40
	(b) Glass tableware . . . . .	60	27-5-40
107	Glass globes and chimneys for lamps and lanterns . . . . .	60 (1)	10-5-41
108	Electric lighting bulbs . . . . .	60 (2)	10-5-41
109	Glass bangles, glass beads and false pearls . . . . .	60 (3)	27-5-40
110	Precious stones unset and imported uncut other than bort and industrial diamonds . . . . .	61	6-9-41
111	Pearls, unset . . . . .	61	27-5-40
112	Precious stones, unset and imported cut . . . . .	61 (1)	27-5-40
113	Silver plate and silver manufactures, all sorts not otherwise specified . . . . .	61 (4)	27-5-40
114	Gold plate, and gold manufactures, all sorts not otherwise specified . . . . .	61 (6)	27-5-40
115	Gold or gold-plated pen nibs . . . . .	61 (7)	6-9-41
116	Articles, other than cutlery and surgical instruments, plated with gold or silver . . . . .	61 (8)	27-5-40
117	Cutlery plated with gold or silver . . . . .	61 (9)	27-5-40
118	Jewellery and jewels . . . . .	61 (10)	27-5-40
119	Enamelled ironware . . . . .	63 (29)	27-5-40
120	Chemical or imitation gold known by any name such as "New gold", "Star gold", "Orient gold", etc. . . . .	70 and 70 (1)	9-8-41



[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
121	Mercury . . . . .	70 (1)	16-8-41
122	Domestic hardware and stoves . . . . . (i) made of aluminium. (ii) others.	71	27-5-40
123	Garden tools . . . . .	71	6-9-41
124	Metal lamps and parts of lamps . . . . .	71	10-5-41
125	Incandescent mantles . . . . .	71	6-9-41
126	Zip Fasteners . . . . .	71	6-9-41
127	Buckets of tinned or galvanised iron . . . . .	71 (1)	6-9-41
128	Cutlery all sorts not otherwise specified . . . . .	71 (2)	10-5-41
129	Metal furniture and cabinetware . . . . .	71 (3)	27-5-40
130	Domestic Refrigerators . . . . .	72 (5)	6-9-41
131	Typewriters and parts thereof . . . . .	72 (6)	10-5-41
132	Sewing machines and parts thereof . . . . .	72 (6) and 72 (10)	1-5-41
133	Fans, electric, table and ceiling and parts thereof . . . . .	73	10-5-41
134	Wireless Reception Instruments and Apparatus and component parts thereof, including all electric valves, amplifiers and loud speakers which are not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed . . . . .	73 (4)	27-5-40
135	Motor vans and motor lorries imported complete . . . . .	75	27-5-40
136	Motor cars including taxi cabs and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof . . . . .	75 (1)	27-5-40
137	Motor cycles and motor scooters and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof except such articles as are also adapted for use as parts and accessories of motor cars . . . . .	75 (2)	6-9-41
138	Motor omnibuses; chassis of motor omnibuses, motor vans and motor lorries; and parts of mechanically propelled vehicles and accessories not otherwise specified, excluding rubber tyres and tubes and such parts and accessories of motor vehicles included in this item as are also adapted for use as parts and accessories of motor cars . . . . .	75 (3)	27-5-40

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
139	Carriages and cars which are not mechanically propelled, not otherwise specified, and parts and accessories thereof; excluding rubber tyres and tubes . . . . .	75 (4)	6-9-41
140	Cycles (other than motor cycles) imported entire or in sections, and parts and accessories thereof; excluding rubber tyres and tubes . . . . .	75 (5)	27-5-40
141	Photographic instruments, apparatus and appliances other than cinema . . . . .	77	10-5-41
142	Clocks and watches and parts thereof . . . . .	78	27-5-40
143	(i) Talking machines and parts thereof and records for talking machines . . . . .	79	27-5-40
	(ii) Other musical instruments . . . . .	79	6-9-41
144	The following articles, except as specified in Import Tariff item No. 80 (3) namely :—		
	(i) Firearms, including gas and air guns gas and air rifles and gas and air pistols, not otherwise specified, but excluding parts and accessories thereof . . . . .	80 (1)	27-5-40
	(ii) (a) Barrels, whether single or double for firearms, including gas and air guns, gas and air rifles and gas and air pistols, not otherwise specified . . . . .	80 (2)	27-5-40
	(b) Main springs and magazine springs for firearms, including gas guns, gas rifles and gas pistols.		
	(c) Gun stocks and breech blocks.		
	(d) Revolver cylinders, for each cartridge they will carry.		
	(e) Actions (including skeleton and waster), breech bolts and their heads, cocking pieces and locks for muzzle loading arms.		
	(f) Machines for making, loading, or closing cartridges for rifled arms.		
	(g) Machines for capping cartridges for rifled arms.		
145	Cartridge cases, filled and empty . . . . .	81	27-5-40
146	Coral, prepared . . . . .	82	1-8-41
147	Ivory, manufactured, not otherwise specified . . . . .	82 (1)	27-5-40
148	Bangles and beads not otherwise specified . . . . .	82 (2)	6-9-41

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
149	Brushes, all sorts . . . . .	83	10-5-41
150	Toys, games, playing cards and requisites for games and sports, bird shot, toy cannons, air guns and air pistols . . . . .	84	27-5-40
151	Buttons, metal . . . . .	85	27-5-40
152	Smoker's requisites excluding tobacco and matches— (i) made of aluminium. (ii) Others.	85 (1)	27-5-40
153	Prints, Engravings and Pictures (including photographs and picture post cards), not otherwise specified .	86	10-5-41
154	Buttons, other than metal . . . .	87	27-5-40
155	Leather, artificial, manufactures of .	87	10-5-41
156	Zip fasteners, with celluloid teeth .	87	6-9-41
157	Synthetic stones . . . . .	87	6-9-41
<sup>1</sup> [158]	All articles not otherwise specified in this Schedule or in the Schedule to the notification of the Government of India in the Department of Commerce <sup>2</sup> No. 25-I. T. C./40, dated the 31st December 1940 . . . . .	The appropriate item.	14-1-42]

PART B.

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
1	Starch and farina . . . . .	11 (4)	10-5-41
2	Chromosal S. F., chromaline and other chrome compounds used for dyeing or tanning (excluding barium, lead and zinc chromates) . . . . .	13	22-3-41
3	Rosin . . . . .	13 (4)	10-5-41
<sup>3</sup> [3-A]	Medicines and drugs containing spirit, excluding articles mentioned in Part A. . . . .	22 (5) (b)	20-12-41]
4	Tobacco, unmanufactured . . . .	24 (3)	6-9-41

<sup>1</sup> Ins., Commerce Department No. 79-I. T. C./41, dated the 27th. December, 1941.

<sup>2</sup> *Supra*, p. 345.

<sup>3</sup> Ins., Commerce Department No. 78-I. T. C./41, dated the 13th. December, 1941.

[*Orders under Rule 84 (3), Defence of India Rules*]

Serial No.	Name of artic'e.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
5	Asphalt . . . . .	27 (1)	6-9-41
6	Pitch and Tar . . . . .	27 (2)	6-9-41
7	All sorts of mineral oil not otherwise specified . . . . .	27 (3)	6-9-41
8	Kerosene ; also any mineral oil other than kerosene and motor spirit which has its flashing point below one hundred degrees of Fahrenheit's thermometer by Abel's close test . . . . .	27 (4)	6-9-41
9	Mineral oil, not included in Import Tariff item No. 27 (4) or Import Tariff item No. 27 (6) which is suitable for use as an illuminant in wick lamps . . . . .	27 (5)	10-5-41
10	Motor Spirit . . . . .	27 (6)	6-9-41
11	Mineral oil—all sorts . . . . .	27 (7)	6-9-41
12	Lubricating oil, that is, oil such as is not ordinarily used for any other purpose than lubrication, excluding any mineral oil which has its flashing point below two hundred degrees of the Fahrenheit thermometer by Abel's close test . . . . .	27 (8)	6-9-41
13	Chemicals, Drugs and Medicines, all sorts not otherwise specified, ex- cluding articles mentioned in Part A and S. No. 14 (Part B) . . . . .	28	6-9-41
14	Chromium sulphate, chromium chloride and other chrome com- pounds excluding barium chromates.	28	22-3-41
15	Bleaching paste and bleaching powder.	28 (1)	6-9-41
16	Copperas, green (ferrous sulphate) . . . . .	28 (2)	6-9-41
17	Sulphur . . . . .	28 (3)	6-9-41
18	Soda ash, including calcined natural soda and manufactured sesquicarbo- nates . . . . .	28 (4)	6-9-41
19	Heavy chemicals, namely, Magnesium chloride . . . . .	28 (5)	6-9-41
20	The following Chemicals, namely :— (a) Alum (ammonia alum, potash alum and soda alum) . . . . . (b) Magnesium sulphate or hydrated magnesium sulphate . . . . .	28 (6) ..	6-9-41 ..
21	The following Chemicals, namely, cad- mium sulphide, cobalt oxide, liquid gold for glass making, selenium and uranium oxide . . . . .	28 (7)	6-9-41

[Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
22	The following Chemicals, Drugs and Medicines, namely, acetic, carbolic, citric, hydrochloric, nitric, oxalic, sulphuric, tartaric and other acids, excluding chromic acid, anhydrous ammonia, naphthalene, potassium chlorate, potassium cyanide and other potassium compounds, bicarbonate of soda, borax, sodium cyanide, sodium silicate, arsenic, calcium carbide, glycerine, lead, magnesium and zinc compounds not otherwise specified, aloes, asafoetida, cocaine, sarsaparilla and storax . . . . .	28 (8)	6-9-41
23	Potassium bichromate, sodium bichromate and chromic acid . . . . .	28 (8)	22-3-41
24	Cinema films, not exposed . . . . .	29	6-9-41
25	Dyes derived from coal-tar and coal-tar derivatives, used in any process . . . . .	30 (1)	10-12-40
26	(i) Paints, colours and '[painters' materials], all sorts not otherwise specified, including paints, solutions and compositions containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1934, excluding aluminium powder and paint if not packed for retail sale . . . . .	30	10-5-41
	(ii) Aluminium Powder and Paint . . . . .	30	'[10-1-41]'
27	Paints, colours and painters' materials, the following namely :— . . . . .	30 (2)	'[10-5-41]'
	(a) Red lead, genuine dry, genuine moist and reduced moist		
	(b) White lead, genuine dry		
	(c) Zinc white, genuine dry		
	(d) Paints, other sorts, coloured, moist—		
	if not packed for retail sale.		
28	Paints, colours and painters' materials, the following namely :— . . . . .	30 (3)	10-5-41
	(a) Red lead, reduced dry		
	(b) White lead, genuine moist, and reduced dry or moist		
	(c) Zinc white, genuine moist		
	(d) Zinc white, reduced dry or moist		
	if not packed for retail sale.		

<sup>1</sup> Subs., Commerce Dept., No. 63-I.T.C./41, dated the 6th September, 1941.

## [Orders under Rule 84 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
29	The following Paints, colours and painters' materials, namely, barytes, turpentine, turpentine substitute, and varnish not containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1934 . . . . . if not packed for retail sale	30 (4)	10-5-41
30	Printers ink . . . . .	30 (6)	6-9-41
31	Manures, all sorts, including animal bones and the following chemical manures :— . . . . . Basic slag, nitrate of ammonia, nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, kainit salts, carbo-lime, urea, nitrate of lime, calcium cyanamide, ammonium phosphates, mineral phosphates and mineral superphosphates.	35	6-9-41
32	Wood and timber, all sorts, not otherwise specified including all sorts of ornamental wood . . . . .	40	6-9-41
33	Tea chests and parts and fittings thereof, excluding those specified in Part A of the Schedule . . . . .	40 (3)	6-9-41
34	Printing paper, white, which contains mechanical wood pulp amounting to not less than 70 per cent. of the fibre content . . . . .	44 (2)	12-4-41
35	Cigarette paper . . . . .	44 (3)	7-1-41
36	Packing and wrapping paper . . . . .	44 (3)	7-1-41
37	Pasteboard, millboard, cardboard and strawboard, all sorts . . . . .	44 (4)	7-1-41
38	Cotton, raw . . . . .	46 (3)	27-5-40
39	Raw Manilla Hemp (fibre). . . . .	46 (4)	22-2-41
40	Raw hemp excluding raw Manilla hemp (fibre) . . . . .	46 (4)	9-8-41
41	Raw Sisal fibre . . . . .	46 (5)	22-2-41
42	Aloe fibre . . . . .	46 (5)	9-8-41
43	Asbestos manufactures, not otherwise specified . . . . .	58 (1)	6-9-41
44	Packing—Engine and Boiler—all sorts not otherwise specified . . . . .	58 (2)	6-9-41
45	Building and Engineering materials, all sorts not of iron, steel or wood not otherwise specified, including tiles (other than glass, earthenware or porcelain tiles), and firebricks not being component parts of any articles included in Import Tariff item No. 72 or No. 74 (2) . . . . .	59	6-9-41
46	Building and Engineering bricks . . . . .	59 (1)	6-9-41

[Orders under Rule 81 (3), Defence of India Rules.]

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
47	Glass and glassware not otherwise specified and lacquered ware not specified in Part A of this Schedule . . . . .	60	10-5-41
48	Bort and Industrial diamonds . . . . .	61	6-9-41
49	Iron or steel, not covered by Commerce Department Notification <sup>1</sup> No. 25-I.T.C./40, dated the 31st December, 1940 . . . . .	63 63 (1) to 63 (28)	6-9-41
50	Copper, wrought and manufactures of copper, all sorts not otherwise specified . . . . .	64	6-9-41
51	Copper scrap . . . . .	64 (1)	6-9-41
52	German silver including nickel silver . . . . .	65	6-9-41
53	Aluminium-circles, sheets and other manufactures not otherwise specified . . . . .	66	10-1-41
54	Unwrought ingots, blocks and bars of aluminium . . . . .	66 (1)	10-1-41
55	Lead, wrought—the following articles namely pipes and tubes and sheets other than sheets for tea chests . . . . .	67	6-9-41
56	Lead sheets for tea chests . . . . .	67 (1)	6-9-41
57	Zinc or spelter, in all forms not covered by Commerce Department Notification <sup>1</sup> No. 25-I.T.C./40, dated the 31st December, 1940 . . . . .	68 and 68 (1) 69	6-9-41
58	Tin, Block . . . . .	69	6-9-41
59	Brass, bronze and similar alloys, wrought and manufactures thereof not otherwise specified excluding chemical or imitation gold . . . . .	70	6-9-41
60	All sorts of metals other than iron and steel, and manufactures thereof, not otherwise specified excluding those mentioned in Part A and those covered by Commerce Department Notification <sup>1</sup> No. 25-I.T.C./40, dated the 31st December, 1940 . . . . .	70 (1)	6-9-41
61	<sup>2</sup> [Hardware iron-mongery and tools, all sorts not specified in Part A of this Schedule] . . . . .	70 (1)	6-9-41
62	The following hardware, iron-mongery and tools, namely, agricultural implements not otherwise specified and pruning knives . . . . .	71 (1)	6-9-41
63	The following printing materials, namely leads, brass rules, wooden and metal quoins, shooting sticks and galleys and metal furniture . . . . .	71 (5)	6-9-41

<sup>1</sup>Supra, p. 345.

<sup>2</sup>Suba., Commerce Dept., Notfn. No. 68-I.T.C./41, dated the 11th October, 1941.

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*[Orders under Rule 84 (3), Defence of India Rules.]*

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
64	<p>Machinery, namely, such of the following articles as are not otherwise specified :—</p> <p>(a) prime-movers, boilers, locomotive engines and tenders for the same, portable engines (including power-driven road rollers, fire engines and tractors), and other machines in which the prime-mover is not separable from the operative parts ;</p> <p>(b) machines and sets of machines to be worked by electric, steam, water, fire or other power, not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts ;</p> <p>(c) apparatus and appliances, not to be operated by manual or animal labour, which are designed for use in an industrial system as parts indispensable for its operation and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose ;</p> <p>(d) control gear, self-acting or otherwise and transmission-gear designed for use with any machinery above specified, including belting of all materials (other than cotton, hair and canvas ply) and driving chains, but excluding driving ropes not made of cotton ;</p> <p>(e) bare hard-drawn electrolytic copper wires and cables and other electrical wires and cables, insulated or not, and poles, troughs, conduits and insulators designed as parts of a transmission system, and the fittings thereof.</p> <p>NOTE.—The term ' industrial system ' used in sub-item (c) means an installation designed to be employed directly in the performance of any process or series of processes necessary for the manufacture, production or extraction of any commodity.</p>	72	6-9-41



Import Tariff item No.	Date specified under exception: (vii).
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Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vi).
1	2	3	4
65	The following textile machinery and apparatus by whatever name called, namely:		

72 (1) 6.9.41

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
	perforation for type-casting rule bending machines, rule mitreing machines, bronzing machines, stereo-typing apparatus, paper folding machines, paging machines but excluding ink and paper . . . . .	72 (2)	6-9-41
67	Component parts of machinery as defined in Import Tariff items Nos. 72, 72 (1) and 72 (2), namely, such parts only as are essential for the working of the machine or apparatus and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose <sup>1</sup> * * . . . . .	72 (3)	6-9-41
	Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the machine to which they belong if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable.		
68	Passenger Lifts and component parts and accessories thereof . . . . .	72 (4)	6-9-41
69	Machinery and component parts thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified, and any machines (except such as are designed to be used exclusively in industrial processes) which require for their operation less than one-quarter of one brake-horse-power excluding typewriters and sewing machines and parts thereof . . . . .	72 (6)	6-9-41
70	Water-lifts, sugar-mills, sugar centrifuges, sugar pug-mills, oil-presses, and parts thereof, when constructed so that they can be worked by manual or animal power and pans for boiling sugarcane juice . . . . .	72 (7)	6-9-41
71	The following Agricultural Implements, namely, winnowers, threshers, mowing and reaping machines, binding machines, elevators, seed and corn crushers, chaff-cutters, root-cutters, ensilage-cutters, horse and bullock gear, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed-drills, hay-tedders, hay presses, potato-diggers, latex spouts, spraying machines.		

<sup>1</sup>Words omitted. Commerce Dept., Notfn. No. 68-I.T.C./41, dated the 11th October 1941.

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii)
1	2	3	4
	motors designed to consume less than 187 watts ; bare or insulated copper wires and cables, any one core of which, not being one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity ; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection with the transmission of power for other than industrial purposes, and the fittings thereof but excluding electrical earthenware and porcelain otherwise specified .	73 (1)	6-9-41
76	The following Electrical Instruments, Apparatus and Appliances, namely, telegraphic and telephonic instruments, apparatus and appliances not otherwise specified, flash lights, carbons, condensers and bell apparatus, and switchboards designed for use in circuits of less than ten amperes and at a pressure not exceeding 250 volts ; also accumulators, batteries and electromedical apparatus .	73 (2)	6-9-41
77	Telegraphic Instruments and Apparatus and parts thereof imported by, or under the orders of, a Railway Administration .	73 (3)	6-9-41
78	Electrical earthenware and porcelain, the following, namely :— (a) Insulators, Shackle, Sinclair, Cordeaux or Pin-type, not otherwise specified— (i) fitted (ii) not fitted (b) Two-ways cleats (c) Spacing insulators (d) Ceiling roses— (i) fitted (ii) not fitted (e) Joint-box cut-outs— (i) fitted (ii) not fitted . . . . .	73 (5)	6-9-41

Serial No.	Name of article.	Import Tariff Item No.	Date specified under exception (vii).
1	2	3	4
84	Conveyances not otherwise specified and component parts and accessories thereof . . . . .	75	6-9-41
85	Aeroplanes, aeroplane parts, aeroplane engines, aeroplane engine parts and rubber tyres, and tubes used exclusively for aeroplanes . . . . .	76	6-9-41
86	Instruments, apparatus and appliances other than electrical, all sorts not otherwise specified, excluding photographic other than cinema . . . . .	77	6-9-41
87	Optical, Scientific, Philosophical and Surgical Instruments, apparatus and appliances . . . . .	77 (2)	6-9-41
88	Bort . . . . .	87	6-9-41
89	Industrial diamonds . . . . .	87	6-9-41
90	Pyro-technic Aluminium Powder . . . . .	87	6-9-41
<sup>1</sup> [91]	Cotton, hair and canvas ply belting for machinery . . . . .	50 (3)	18-10-41
92	Cordage, rope and twine of vegetable fibre other than jute and cotton, not otherwise specified . . . . .	50 (6)	18-10-41]
<sup>2</sup> [93]	Phenol/Formaldehyde, Moulding powders . . . . .	87	21-12-41
94	Cresol/Formaldehyde, Moulding powders . . . . .	87	21-12-41
95	Urea/Formaldehyde, Moulding powders . . . . .	87	21-12-41
96	Synthetic Resins in the manufacture of which Formaldehyde, Phenol, Cresol of Urea are used . . . . .	87	21-12-41
97	Celluloid . . . . .	87	21-12-41
98	Cellulose Acetate sheet and Moulding powders . . . . .	87	21-12-41
99	Artificial Horn manufactured from Rennet Cassin . . . . .	87	21-12-41
100	Perspex (Methyl methacrylate) . . . . .	87	21-12-41]

[Gazette of India, 1941, Extraordinary p. 517.]

<sup>1</sup>Added Commerce Dept. Notfn. No. 68-I.T.C./41, dated the 11th October 1941.<sup>2</sup>Added Commerce Dept. Notfn. No. 76-I.T.C./41, dated the 13th December 1941.

[*Orders under Rule 84 (3), Defence of India Rules.*]

*Commerce Dept., No. 59-I. T. C./41, dated the 23rd August, 1941.*—The following Open General Licences issued by the Central Government under the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, and in supersession of Open General Licences Nos. I to XI issued in pursuance of that Department notification, No. 1-I. T. C./40, dated the 20th May, 1940, and published with the notifications of that Department, No. 41-I. T. C./41, dated the 10th May, 1941, No. 24-I. T. C./41, dated the 3rd January, 1941, No. 35-I. T. C./41, dated the 22nd February, 1941, No. 3-I. T. C./40, dated the 20th May, 1940, No. 17-I. T. C./40, dated the 10th August, 1940, No. 6-I. T. C./40, dated the 22nd June, 1940, No. 8-I. T. C./40, dated the 13th July, 1940, No. 10-I. T. C./40, dated the 27th July, 1940, No. 16-I. T. C./40, dated the 3rd August, 1940, No. 32-I. T. C./41, dated the 1st February, 1941 and No. 48-I. T. C./41, dated the 21st July, 1941, respectively, are published for general information :—

## “IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. I.

In pursuance of Commerce Department Notification <sup>1</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, the Central Government gives general permission for the importation from any country of any of the goods specified in Part A of the Schedule to the said notification if—

(1) covered by a certificate from the Import Trade Controller that he is satisfied—

(a) that an equal amount of similar goods from the same country, having been previously imported under special licence from him, has been subsequently re-exported to a destination outside India, and

(b) that the person who made the re-exportation or the original importer has a certificate from the Reserve Bank of India or from a person authorised by that Bank to deal in foreign exchange in India to the effect—

(i) in the case of goods re-exported to any country within the British Empire, that

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<sup>1</sup>*Supra*, p. 379.

[*Orders under Rule 84 (3), Defence of India Rules.*]

he has been authorised by the exchange control authority of that country to purchase sufficient foreign exchange to cover the cost of re-export, and

(ii) in the case of goods re-exported to any country outside the British Empire, that full payment has been received for the particular re-exported goods in the currency of the country from which it was originally imported or in United States dollars; and

(2) imported by the person who has made such re-exportation or, if so authorised by such person, by the original importer.

## IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. II.

In pursuance of Commerce Department Notification<sup>1</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, the Central Government gives general permission to all persons to import until further notice—

<sup>2</sup>[(a) from the United Kingdom any of the goods specified in the Schedule to the said notification (not being goods previously imported into the United Kingdom from Hong Kong or a place outside the British Empire, or in the case of goods excepted from clause (c) of this licence from Canada or Newfoundland) except those covered by the following entries in that Schedule :—

*Part A of Schedule.*—Nos. 61, 122 (i) and 152 (i) (aluminium, unwrought and manufactured) :

*Part B of Schedule.*—No. 13 (chemicals—caustic soda only), No. 15 (bleaching powder), No. 18 (soda ash), Nos. 26 (ii), 53 and 54 (aluminium, unwrought and manufactured) and Nos. 39, 40, 41 and 42 (raw hemp, aloe and sisal fibre) :

Provided that the prohibition contained in the said notification shall not apply to any

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<sup>1</sup>*Supra*, p. 379.

<sup>2</sup>Ins. Commerce Dept. Notfn. No. 73-I.T.C./41, dated the 15th November 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

goods of a description covered by this licence before the 15th November, 1941 and which have been despatched on through consignment to India before the 22nd November, 1941;]

<sup>1</sup>[(b) from any place in the British Empire including Mandated Territories except <sup>3</sup>[the United Kingdom,] Hong Kong, Canada or Newfoundland, any of the goods specified in the Schedule to the said notification (not being goods previously imported into such place from Hong Kong or a place outside the British Empire, or in the case of goods excepted from part (b) of this licence from Canada or Newfoundland) except those covered by the following entries in that Schedule :—

Nos. 61, 122 (i) and 152 (i) of Part A and Nos. 26 (ii), 53 and 54 of Part B (aluminium, unwrought and manufactured); Nos. 39, 40, 41 and 42 of Part B (raw hemp, aloe and sisal fibre) <sup>3</sup>[and Nos. 48, 67, 88 and 89 (Bort and industrial diamonds)];

<sup>1</sup>[(c)] from Canada or Newfoundland any of the goods specified in the Schedule to the said notification <sup>4</sup>[(not being goods previously imported into Canada or Newfoundland from a place outside the British Empire, or, in the case of goods excepted from clause (a) of this licence, from the United Kingdom)] except those covered by the following entries in that Schedule :—

Part A of Schedule.—<sup>5</sup>[Nos. 1, 2, 3, 6, 8, 9, 11, 12, 13, 14, 15, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 35 (provisions, all sorts); No. 7 (Fruits); No. 22 (jams, etc.); Nos. 30, 31, 32 and 33 (perfumed and potable spirits); Nos. 34 and 42 (proprietary and patent medicines); Nos. 39 and 40 (cement); No. 44 (toilet requisites); Nos. 46, 47, 48 and 49 (paints, colours, etc.) No. 51 (perfumery); Nos. 52, 53 and 54

<sup>1</sup>Re-lettered, Commerce Dept. Notfn. No. 73-I.T. C-41, dated the 15th November 1941.

<sup>2</sup>Ins. *ibid.*

<sup>3</sup>Ins. Commerce Dept. Notfn. No. 65-I.T.C./41, dated the 13th September 1941.

<sup>4</sup>Subs. Commerce Dept. Notfn. No. 73-I.T.C./41, dated the 15th November 1941.

<sup>5</sup>Subs. Commerce Dept. Notfn. No. 64-I.T.C./41, dated the 13th September 1941.

[*Orders under Rule 84 (3), Defence of India Rules.*]

(soap); No. 59 (rubber goods); Nos. 63, 64, 65 and 66 (paper and pasteboard); Nos. 68 and 69 (stationery); No. 70 (books); Nos. 117 and 128 (cutlery); Nos. 135, 136, 137 and 138 (motor cycles and motor vehicles); Nos. 61, 122 (i) and 152 (i) (aluminium, unwrought and manufactured); No. 149 (brushes) and No. 150 (toys and games requisites)];

*Part B of Schedule.*—No. 25 (dyes); Nos. 34, 35, 36 and 37 (paper and pasteboard); Nos. 26 (ii), 53 and 54 (aluminium, unwrought and manufactured) and Nos. 39, 40, 41 and 42 (raw hemp, aloe and sisal fibre) <sup>1</sup>[and Nos. 48, 67, 88 and 89 (Bort and industrial diamonds)]:

Provided that this permission does not apply to cinematograph films printed in the British Empire from negatives either produced or owned by companies, firms or persons established in countries outside the British Empire.

<sup>1</sup>[Provided further that the prohibition contained in notification <sup>2</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, shall not apply to any goods of a description covered by this licence before 13th September, 1941, and which have been dispatched on through consignment to India before the 20th September, 1941.]

2. This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

## IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. III.

In pursuance of Commerce Department Notification <sup>2</sup>No. 56-I.T.C./41, dated the 23rd August, 1941, the Central Government gives general permission to all persons to import until further notice from the countries or groups of countries mentioned in column 1 of the List hereto annexed the classes of goods mentioned in column 2 of the said List provided that in each case the goods

<sup>1</sup>Ins. Commerce Dept. Notfn. No. 65-I.T.C./41, dated the 13th September 1941.

<sup>2</sup>*Supra*, p. 379.



Part VI.—Rules and Orders under the Defence of India Act, 1939. 405

[Orders under Rule 84 (3), Defence of India Rules.]

have been produced or manufactured in the country or group of countries from which they are imported :—

Country or group of countries. (1)	Description of goods. (2)
1 French Equatorial Africa including Chad and Gaboon, French Cameroons, <sup>1</sup> [Syria and Lebanon,] New Caledonia, French Oceania (Tahiti) and the French Administration of Condominium of New Hebrides.	All goods covered by the Schedule in Notification No. 56-I. T. C./41, dated the 23rd August, 1941, except the following :— Nos. 61, 122 (i) and 152 (i) of Part A and Nos. 26 (ii), 53 and 54 of Part B (aluminium, unwrought and manufactured) : Nos. 39, 4 41 and 42 of Part B (raw hemp, aloe and sisal fibre) <sup>2</sup> [and Nos. 48, 67, 88 and 89 (Bort and industrial diamonds)].
2 Belgian Congo . . . . .	Ditto.
3 Netherlands East Indies . . . . .	Ditto.
	No. in the said Schedule. Name of article.
4 Egypt and Sudan. Anglo-Egyptian	Part A 36 Tobacco, manufactured, not otherwise specified.
	Part A 37 Cigars.
	Part A 38 Cigarettes.
	Part B 4 Tobacco, unmanufactured.
	Part B 5 Asphalt.
	Part B 31 Manures, all sorts.
	Part B 38 Cotton, raw.
<sup>3</sup> [5 Iraq, Muscat, Bahrain, Kuwait and the Trucial Shaikhdoms.	Part A 7 Fruits.
	Part A 111 Pearls, unset.
	Part B 7, 8, 9, 10, 11 and 12. Mineral oils, Motor spirit and Lubricating oils.
	Part B 38 Cotton, raw.]
<sup>4</sup> [ 6 Iran . . . . .	Part B 7, 8, 9, 10, 11 and 12. Mineral oils, Motor spirit and Lubricating oils.
	<sup>5</sup> [ Part A 49 Turpentine substitute.
	Part B 5 Asphalt.
	Part B 29 Turpentine substitute.]

<sup>1</sup>Ins. Commerce Dept. Notfn. No. 69-I.T.C./41, dated the 11th October 1941.

<sup>2</sup>Ins. Commerce Dept. Notfn. No. 65-I. T. C.-41, dated the 13th September 1941.

<sup>3</sup>Subs. Commerce Dept. Notfn. No. 62-I.T.C./41, dated the 4th September 1941.

<sup>4</sup>Ins. *ibid.*

<sup>5</sup>Ins. Commerce Dept. Notfn. No. 66-I.T.C./41, dated the 4th October 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

2. This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

## IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. IV.

In pursuance of Commerce Department Notification <sup>1</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, the Central Government gives general permission to all persons (1) to import from the Portuguese Possessions in India any of the goods specified in the Schedule to the said notification, except those covered by the following entries in that Schedule :—

Nos. 61, 122 (i) and 152 (i) of Part A and Nos. 26 (ii), 53 and 54 of Part B (aluminium, unwrought and manufactured); Nos. 39, 40, 41 and 42 of Part B (raw hemp, aloe and sisal fibre) <sup>2</sup>[and Nos. 48, 67, 88 and 89 (Bort and industrial diamonds)];

provided such goods have been manufactured or produced in those territories; and (2) import by land from any other country contiguous to the land frontiers of India any such goods, provided they have not previously been imported into such country wholly or partly by sea, from any country outside India.

2. This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

## IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. V.

In pursuance of Commerce Department Notification <sup>1</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, the Central Government gives general permission for the importance from any country, until further notice, of goods which are included in the Schedule to the said notification and which :—

(i) are *bona fide* samples or advertising matter supplied free of charge,

<sup>1</sup>*Supra*, p. 379.

<sup>2</sup>*Ins.* Commerce Dept. Notfn. No. 65-I. T. C.-41, dated the 13th September 1941.

[Orders under Rule 84 (3), Defence of India Rules.]

(ii) are supplied free of charge in replacement of goods previously imported which have been found to be defective or otherwise unfit for use,

(iii) are exempt from duty on importation by or on behalf of Consular Officers, etc., under items Nos. 46—50 of Notification No. 33-Cus., dated the 22nd June, 1935 of the Government of India in the Finance Department (Central Revenues) as amended up to the date of the issue of this licence, or

(iv) are exempt from Customs duty on re-importation under Section 25 of the Sea Customs Act or under items Nos. 53—63 of the aforesaid notification of the Government of India in the Finance Department (Central Revenues).

2. This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

## IMPORT TRADE CONTROL.

### OPEN GENERAL LICENCE No. VI.

In pursuance of Commerce Department Notification<sup>1</sup>No. 56-I. T. C.541, dated the 23rd August, 1941, the Central Government gives general permission to all persons to import from Burma until further notice any of the goods specified in the Schedule to that notification; being goods manufactured or produced in China that have been imported into Burma across the Burma-China land frontier, except those covered by the following entries in that Schedule :—

Nos. 61, 122 (i) and 153 (i) of Part A and Nos. 26 (ii), 53 and 54 of Part B (aluminium, unwrought and manufactured); Nos. 39, 40, 41 and 42 of Part B (raw hemp, aloe and sisal fibre)<sup>2</sup>[and Nos. 48, 67, 88 and 89 (Bort and industrial diamonds)].

<sup>1</sup>*Supra*, p. 379.

<sup>2</sup>Ins. Commerce Dept. Notfn. No. 65-I.T.C./41, dated the 13th September 1941.

2. This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

[*Gazette of India*, 1941, Pt. I, p. 531.]

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*Commerce Dept., No. 60-I. T. C./41, dated the 23rd August, 1941.*—The following Open General Licence issued by the Central Government under the Commerce Department Notifications <sup>1</sup>No. 25-I. T. C./40, dated the 31st December, 1940 and <sup>2</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, and in supersession of Open General Licences No. XII and No. 1 (Metals) published with that Department Notifications Nos. 51 and 53-I. T. C./41, dated the 31st July, and 2nd August, 1941, respectively, is published for general information :—

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“IMPORT TRADE CONTROL.

OPEN GENERAL LICENCE No. VII.

In pursuance of Commerce Department Notifications <sup>1</sup>No. 25-I T. C./40, dated the 31st December, 1940, and <sup>2</sup>No. 56-I. T. C./41, dated the 23rd August, 1941, the Central Government gives general permission for the importation from the United States of America of any of the goods specified in the Schedules to the said notifications which are imported by the Government of India under the procedure prescribed for Lease and Lend supplies from that country.”

[*Gazette of India*, 1941, Pt. I, p. 533.]

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*Commerce Dept., No. 71-I. T. C./41, dated the 1st November, 1941.*—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the bringing into British India by sea, land or air from any place in—

- (a) The Empire of Japan (including Japan proper, Korea, Formosa, Karafuto, Kwantung, leased territory and Islands in the Pacific under Japanese Mandate), or
- (b) Manchukuo,

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<sup>1</sup>*Supra*, p. 345.

<sup>2</sup>*Supra*, p. 379.

shall be permitted to be cleared, whether for home consumption or for shipment to a foreign port, unless—

- (i) the Customs Collector is satisfied that the whole of the c. i. f. value of the goods; excepting such part thereof, if any, as had been paid before the 26th July, 1941, has been paid into a blocked account in accordance with the provisions of rule 92B of the Defence of India Rules, or
- (ii) the owner of the imported goods produces an order of the Central Government permitting such clearance.

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*[Gazette of India, 1941, Extraordinary, p. 491.]*

*Orders under Rule 88, Defence of India Rules.*

Labour Dept., No. M.-862, dated the 7th June, 1940.—In exercise of the powers conferred by rule 88 of the Defence of India Rules, the Central Government is pleased—

(1) to declare that nothing in the restrictions imposed by <sup>2</sup>[rules 32, 35, sub-rule 2 of rule 37, sub-rule (2) of rule 40, rule 66 and rule 70 of the Explosives Rules, 1940,] shall apply to the loading, unloading or conveyance, in the service of His Majesty in any railway station, or to the conveyance for purposes of defence in any goods train or military special ammunition train, of any explosives of the 6th (ammunition) class;

(2) to make provision as follows for regulating the loading, unloading and conveyance of explosives to which clause (1) applies—

- (i) the total quantity of explosives carried in any one wagon shall not exceed the carrying capacity of the wagon or ten tons (avoir-dupois) whichever is less;
- (ii) the maximum number of wagons carrying explosives shall not exceed—
  - (a) six when hauled by a goods train,
  - (b) thirty-seven when hauled by a military special train; and
- (iii) the explosives shall be packed in accordance with the regulations of the Defence Services concerned.

*[Gazette of India, 1940, Extraordinary, p. 223.]*

<sup>1</sup>Proviso omitted. Commerce Dept., No. 186 (16)-E. T. (A)/41, dated the 29th November, 1941.

<sup>2</sup>Subs. Labour Dept. Notfn. No. M. 862, dated the 21st May, 1941.

[*Orders under Rule 88 (1), Defence of India Rules.*]

each case shall be despatched forthwith by the Officer concerned to the Chief Inspector of Explosives in India and the Chairman of the Port Trust concerned.

[*Gazette of India, 1940. Extraordinary, p. 767.*]

*Labour Dept., No. M.-862 (1), dated the 10th January, 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules, the Central Government is pleased to declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to the conveyance of explosives in unberthed passenger ships under instructions given on behalf of Government by or under the orders of the Flag Officer Commanding, Royal Indian Navy, or the Quartermaster General in India.

[*Gazette of India, 1941, Pt. I, p. 54.*]

*Labour Dept., No. M.-1217, dated the 21st May, 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules and in supersession of the notification of the Government of India, in the Department of Labour, No. M.-1217, dated the 23rd July, 1940, the Central Government is pleased to declare that the restriction imposed by clause (b) of sub-rule (3) of rule 29 of the Explosives Rules, 1940, shall not apply to the conveyance in any railway station, or in or from any railway train, of any explosives under instructions given on behalf of Government by the Chief Inspector of Explosives in India.

[*Gazette of India, 1941, Pt. I, p. 774.*]

*Labour Dept., No. E.-104, dated the 19th August, 1941.*—Whereas it appears to the Central Government to be necessary and expedient for the efficient prosecution of war and for maintaining supplies essential to the life of the community to expedite the loading and unloading of petroleum tankers :

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 88 of the Defence of India Rules, the Central Government is pleased to order that the restrictions imposed by rule 39 of the Petroleum Rules, 1937, specified in the Schedule annexed hereto shall not apply to the loading or unloading of petroleum tankers carrying dangerous petroleum, provided always that the requirements of the said rule are otherwise complied with.

[Orders under Rules 88 (1) and 88-A (1), Defence of India Rules.]

THE SCHEDULE

1. The restriction imposed by sub-rule (1) of the said rule, requiring tank ships to commence the discharge of dangerous petroleum in bulk before sunset.
2. The restriction imposed by sub-rule (2) of the said rule.

[Gazette of India, 1941, Pt. I, p. 1208.]

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[Orders under Rule 88A (1), Defence of India Rules.]

Defence Dept., No. 1792, dated the 30th November, 1940.—In exercise of the powers conferred by sub-rule (1) of rule 88A of the Defence of India Rules, the Central Government is pleased to declare that nothing in any restriction imposed by or under any law for the time being in force [in relation to]<sup>1</sup>—

- (i) the licensing of drivers of motor vehicles,
- (ii) the speed at which such vehicles may be driven at any place. \* \*<sup>2</sup>
- (iii) the driving of such vehicles at night without lights,
- <sup>3</sup>[(iv) the number of persons carried in such vehicles.]
- <sup>4</sup>[(v) the issue, carrying and production of certificates of registration and certificates of fitness.]

shall apply to, or to the driver or person in charge of, any motor vehicle which is the property of the Central Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence.

[Gazette of India, 1940, Pt. I, p. 1679.]

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<sup>1</sup>Subs., Defence Dept., Notfn. No. 1245, dated the 2nd August 1941.

<sup>2</sup>Word omitted, Defence Dept. Notfn. No. 985, dated the 21st June 1941.

<sup>3</sup>Ins., *ibid.*

<sup>4</sup>Ins., Defence Dept. Notfn. No. 1245, dated the 2nd August 1941..

[*Orders under Rules 88A (1) and 92 (2), Defence of India Rules.*]

*E. A. Dept., No. 18-W., dated the 31st July, 1941.*—In exercise of the powers conferred by sub-rule (1) of rule 88A of the Defence of India Rules, as applied to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, and in supersession of the notification of the Government of India in the External Affairs Department, No. 5-W., dated the 10th February, 1941, the Central Government is pleased to declare that nothing in any restriction imposed by or under any law for the time being in force in the said areas <sup>1</sup>[in relation to]—

- (i) the licensing of drivers of motor vehicles,
- (ii) the speed at which such vehicles may be driven at any place,
- (iii) the driving of such vehicles at night without lights,
- (iv) the number of persons carried in such vehicles—

<sup>2</sup>[(v) the issue, carrying and production of certificates of registration and certificates of fitness.]

shall apply to, or to the driver or person in charge of, any motor vehicle which is the property of the Central Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence.

[*Gazette of India, 1941, Pt. I, p. 1081.*]

[*Orders under Rule 92 (2), Defence of India Rules.*]

*Finance Dept., No. D.-5228-F., dated the 23rd November, 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, the Central Government hereby orders every person who owns any balance or balances whether held in British India or abroad, expressed in the currency of the United States of America, to offer or cause to be offered, before the expiration of one month from the date of this Order, such balance or balances for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi and Delhi against payment of the

<sup>1</sup>Subs., *E. A. Dept., Notfn. 22-W., dated the 10th September 1941.*

<sup>2</sup>Ins., *ibid.*



[Orders under Rule 92 (2), Defence of India Rules.]

equivalent value in rupees calculated on a basis, which, in the opinion of the Reserve Bank of India, represents the current buying rate for telegraphic transfers on the United States of America :

Provided that this Order shall not apply to dealers in foreign exchange and cotton dealers authorised by the Reserve Bank of India in this behalf and to persons, not being subjects of His Majesty or of an Indian State, who in the opinion of the Reserve Bank of India are residents in British India for purposes of business only.

[Gazette of India, 1940, Pt. I, p. 1643.]

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Finance Dept., No. D./C.-3185-F., dated the 23rd September, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, the Central Government hereby orders any person in British India who at any time after the 23rd November, 1940, became, or may hereafter become the owner of any balance or balances whether held in British India or abroad, expressed in the currency of the United States of America, to offer or cause to be offered, before the expiration of one month from the date of this Order or in the case of a person hereafter becoming such owner within one month of the date of his so becoming, such balance or balances for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi and Delhi against payment of the equivalent value in rupees calculated on a basis, which, in the opinion of the Reserve Bank of India represents the current buying rate for telegraphic transfers on the United States of America.

Provided that this Order shall not apply to dealers in foreign exchange and cotton dealers authorised by the Reserve Bank of India in this behalf and to persons not being subjects of His Majesty or of an Indian State, who in the opinion of the Reserve Bank of India are residents in British India for purposes of business only.

[Gazette of India, 1941, Pt. I, p. 1387.]

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Finance Dept., No. F. 2 (13)-F./41, dated the 14th October, 1941.—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, the

[*Orders under Rule 92 (2), Defence of India Rules.*]

Central Government hereby orders every person who brings in Bank of England notes into British India on or after the 5th October, 1941, to offer or cause to be offered within one month of such bringing in thereof such notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of equivalent value in rupees at the current buying rate for Bank of England notes by the Reserve Bank of India :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money changers authorised by the Reserve Bank of India in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;
- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[*Gazette of India*, 1941, Pt. I, p. 1424.]

*Finance Dept., No. F. 2 (13)-F./41, dated the 4th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, the Central Government hereby orders every person who owns any Bank of England notes in British India to offer or cause to be offered before the expiration of two months from the date of this order such Bank of England notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of equivalent value in rupees at the rate of Rs. 13-2-0 per £1 :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money changers authorised by the Reserve Bank of India in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;

[Orders under Rule 92 (2), Defence of India Rules.]

- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[Gazette of India, 1941, Pt. I, p. 1424.]

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*E. A. Dept., No. 26-W., dated the 8th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government hereby orders every person who owns any Bank of England notes in the said areas to offer or cause to be offered before the expiration of two months from the date of this Order such Bank of England notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of the equivalent value in rupees at the rate of Rs. 13-2-0 per £1 :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money changers authorised by the Reserve Bank in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;
- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[Gazette of India, 1941, Extraordinary, p. 647.]

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*E. A. Dept., No. 27-W., dated the 8th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government hereby orders every person who brings Bank of England notes into the said areas on or

[*Orders under Rule 92 (2), Defence of India Rules.*]

after the 5th October, 1941, to offer or cause to be offered, within one month of such bringing in, such notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank, at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of the equivalent value in rupees at the current buying rate for Bank of England notes by the Reserve Bank of India :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money changers authorised by the Reserve Bank of India in this behalf ;
- (b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;
- (c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[*Gazette of India*, 1941, Extraordinary, p. 647.]

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*E. A. Dept., No. 28-W., dated the 8th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, the Central Government hereby orders every person who owns any Bank of England notes in the said areas to offer or cause to be offered before the expiration of two months from the date of this order such Bank of England notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of the equivalent value in rupees at the rate of Rs. 13-2-0 per £1 :

Provided that this Order shall not apply—

- (a) to dealers in foreign exchange and money changers authorised by the Reserve Bank of India in this behalf ;

[Orders under Rule 92 (2), Defence of India Rules.]

(b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;

(c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[Gazette of India, 1941, Extraordinary, p. 648.]

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*E. A. Dept., No. 29-W., dated the 8th October, 1941.*—In exercise of the powers conferred by sub-rule (2) of rule 92 of the Defence of India Rules, as applied to such of the Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, the Central Government hereby orders every person who brings Bank of England notes into the said areas on or after the 5th October, 1941, to offer or cause to be offered, within one month of such bringing in, such notes for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi, Lahore and Delhi against payment of the equivalent value in rupees at the current buying rate for Bank of England notes by the Reserve Bank of India :

Provided that this Order shall not apply—

(a) to dealers in foreign exchange and money changers authorised by the Reserve Bank of India in this behalf ;

(b) to transit travellers who have been permitted to import Bank of England notes under the general or special permission of the Reserve Bank of India ;

(c) to any person who satisfies the Reserve Bank of India that he requires the Bank of England notes in his possession for any of the purposes specified in sub-rule (4) of rule 91 of the said Rules.

[Gazette of India, 1941, Extraordinary, p. 648.]

[*Orders under Rules 92-A, and 92-C, Defence of India*

[*Orders under Rule 92A (1), Defence of India Rules.]*

The following notification from the Reserve Bank of India is published for general information :—

*Finance Dept., No. E. C. D.-13, dated the 19th September, 1941.*—In exercise of the powers conferred by sub-rule (1) (i) of Rule 92A of the Defence of India Rules, it is hereby declared by the Reserve Bank of India that from the 16th September, 1941, Syria and Lebanon are included in the sterling area.

Reserve Bank of India.

Central Office,

Bombay, 16th September, 1941.

[*Gazette of India, 1941, Pt. I, p. 1331.*]

[*Orders under Rule 92C, Defence of India Rules.]*

*Finance Dept., No. D./C.-1859-F./41, dated the 28th July, 1941.*—In exercise of the powers conferred by rule 92C, of the Defence of India Rules, the Central Government is pleased to prohibit the carrying out, except with permission granted by or on behalf of the Reserve Bank of India, of any order given by or on behalf of—

(a) any of the States specified in the Schedule annexed hereto, the Sovereign thereof, or any person resident therein, or

(b) any body corporate which is incorporated under the laws of any of the said States or which is under the control of any of them or of any person resident therein,

in so far as the order—

(i) requires the person to whom the order is given to make any payment or to part with any gold or securities, or

(ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be sold.

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*Schedule.*

(1) The Empire of Japan, including Japan proper, Korea, Formosa, Karafuto, Kwantung leased territory and Islands in the Pacific under Japanese Mandate.

(2) The Republic of China (Manchuria).

[*Gazette of India, 1941, Extraordinary, p. 434.*]

[Orders under Rule 92-C, Defence of India Rules.]

Finance Dept., No. D./C.-1911-F., dated the 30th July, 1941.—In exercise of the powers conferred by rule 92C, of the Defence of India Rules, the Central Government is pleased to prohibit the carrying out, except with permission granted by or on behalf of the Reserve Bank of India, of any order given by or on behalf of—

- (a) China or any person resident therein, or
- (b) any body corporate which is incorporated under Chinese laws (including the laws of any territory forming part of China) or which is under the control of China or any person resident therein,

in so far as the order—

- (i) requires the person to whom the order is given to make any payment or to part with any gold or securities, or
- (ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held,

except that the following are permitted—

- (i) any payment in the sterling area authorised by the National Government of the Republic of China or any person duly authorised to act on its behalf.
- (ii) Transfers into or out of any Chinese special accounts which may be set up under the orders of the Reserve Bank of India.

[Gazette of India, 1941, Extraordinary, p. 437.]

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Finance Dept., No. F.-24 (27)-F./41, dated the 22nd December, 1941.—The following Order dated the 10th December, 1941, is published for general information :—

No. D.-11857-F./41.—In exercise of the powers conferred by rule 92C, of the Defence of India Rules, the Central Government is pleased to prohibit the carrying out, except with the permission granted by or on behalf of the Reserve Bank of India, of any order given by or on behalf of Thailand, the Sovereign thereof, or any person resident therein, or any body corporate which is incorporated under the laws of the said State or which

[*Orders under Rules 92C and 94 (2), Defence of India Rules.*]

is under its control or of any person resident therein, in so far as the Order—

- (i) requires the person to whom the Order is given to make any payment or to part with any gold or securities, or
- (ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be sold.

[*Gazette of India, 1941, Pt. I, p. 1845.*]

[*Orders under Rule 94 (2), Defence of India Rules.*]

*Finance Dept., No. D./C.-615-F., dated the 11th July, 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, it is hereby ordered by the Central Government that all persons in British India who are the owners of any securities in respect of which the principal interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal interest or dividends in the currency of the United States of America shall, before the expiration of one month from the date of this Order, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in British India) giving the following particulars with respect to those securities, that is to say,

- (a) the full name and address of the owner by whom or on whose behalf the return is made,
- (b) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.,
- (c) the nominal amount of the security,
- (d) whether the security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any which has been taken against the security and the currency in which and the name and address of the person from whom it has been taken,
- (e) the place in which and the name of the person with whom the security is deposited,



[Orders under Rule 94 (2), Defence of India Rules.]

- (f) the full name and address of the person for whose account the security is held (if other than the owner making the return).

Provided that the Reserve Bank of India may by general or special order exempt any person or class of persons from making the return.

[Gazette of India, 1940, Extraordinary, p. 339.]

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*Finance Dept., No. D./C.-1729-F., dated the 28th September, 1940.*—In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, it is hereby ordered by the Central Government that any person in British India who, at any time after the 10th July, 1940, became, or may hereafter become, the owner of any securities in respect of which the principal interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal interest or dividends in the currency of the United States of America, shall, before the expiration of one month from the date of this Order, or, in the case of a person hereafter becoming such owner within one month of the date of his so becoming, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in British India) giving the following particulars with respect to those securities, that is to say,

- (a) the full name and address of the owner by whom or on whose behalf the return is made;
- (b) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.;
- (c) the nominal amount of the security;
- (d) whether the security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any which has been taken against the security and the currency in which and the name and address of the person from whom it has been taken;

[*Orders under Rule 94 (2) and (3), Defence of India Rules.*]

- (e) the place in which and the name of the person with whom the security is deposited ;
- (f) the full name and address of the person for whose account the security is held (if other than the owner making the return) ;
- (g) in the case of a person who has ceased to be the owner of the security, the name and address of the transferee.

Provided that the Reserve Bank of India may by general or special order exempt any person or class of persons from making the return.

[*Gazette of India*, 1940, Pt. I, p. 1376.]

[*Orders under Rule 94 (3), Defence of India Rules.*]

*Finance Dept., No. D. 926-B/41, dated the 8th February, 1941.*—Whereas the Central Government is of opinion that it is expedient for the purpose of strengthening its financial position to transfer to itself certain foreign securities :

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

All securities of the descriptions specified in the first column of the Schedule hereto annexed, other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

#### SCHEDULE.

##### *Description and acquisition price of securities.*

Description of securities. (Column 1).	Price per security of £100 nominal. (Column 2).
	Rs. AS.
5 per cent. India Stock, 1942—47 . . . .	1,397 11
4½ per cent. India Stock, 1950—55 . . . .	1,467 14
4½ per cent. India Stock, 1958—68 . . . .	1,504 11
4 per cent. India Stock, 1948—53 . . . .	1,421 1
3½ per cent. India Stock, 1954—59 . . . .	1,370 14
3 per cent. India Stock, 1949—52 . . . .	1,330 12

[*Gazette of India*, 1941, Extraordinary, p. 114.]

[Orders under Rule 94 (3), Defence of India Rules.]

*E. A. Dept., No. 7-W., dated the 1st March, 1941.*—Whereas the Central Government is of opinion that it is expedient for the purpose of strengthening its financial position to transfer to itself certain foreign securities :

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to make the following Order, namely :—

All securities of the descriptions specified in the first column of the Schedule hereto annexed, other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

SCHEDULE.

*Description and acquisition price of securities.*

Description of securities. (Column 1.)	Price per security of £100 nominal. (Column 2.)
	Rs. As.
5 per cent. India Stock, 1942—47 . . . .	1,397 11
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4 per cent. India Stock, 1948—53 . . . .	1,421 1
3½ per cent. India Stock, 1954—59 . . . .	1,370 14
3 per cent. India Stock, 1949—52 . . . .	1,330 12

[*Gazette, of India, 1941, Extraordinary, p. 141.*]

*E. A. Dept., No. 8-W., dated the 1st March, 1941.*—Whereas the Central Government is of opinion that it is expedient for the purpose of strengthening its financial position to transfer to itself certain foreign securities :

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules,

[*Orders under Rule 94 (3), Defence of India Rules.*]

as applied to such of the Baluch tribal areas beyond the Western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas, the Central Government is pleased to make the following Order, namely :—

All securities of the descriptions specified in the first column of the Schedule hereto annexed, other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

#### SCHEDULE.

##### *Description and acquisition price of securities.*

Description of securities.	Price per security of £100 nominal. (Column 2.)
(Column 1.)	Rs. AS.
5 per cent. India Stock, 1942—47 . . . .	1,397 11
4½ per cent. India Stock, 1950—55 . . . .	1,467 14
4½ per cent. India Stock, 1958—68 . . . .	1,504 11
4 per cent. India Stock, 1948—53 . . . .	1,421 1
3½ per cent. India Stock, 1954—59 . . . .	1,370 14
3 per cent. India Stock, 1949—52 . . . .	1,330 12

[*Gazette of India*, 1941, Extraordinary, p. 142.]

*Finance Dept., No. F.-4 (22)-F./40, dated the 10th March. 1941.*—Whereas the Central Government is of opinion that it is expedient for the purpose of strengthening its financial position to transfer to itself certain foreign securities :

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

All securities of the descriptions specified in the first column of the Schedule hereto annexed the owners of which have been required by the Notification of the Government of India in the Finance Department, No.

[Orders under Rule 94 (3), Defence of India Rules.]

<sup>1</sup>D./C.-615-F., dated the 11th July, 1940, or No. <sup>1</sup>D./C.-1729-F., dated the 28th September, 1940, to make returns to the Reserve Bank of India and have not been exempted by general or special order of the said Bank from making those returns, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

SCHEDULE.

*Description and acquisition price of securities.*

Description of securities. (Column 1.)	Price per security. (Column 2.)	Rs. A.
American Power & Light Co. (Me.) \$5 Cum Pfd. Stk. Shs. of no par value .	109 8 <i>ex</i> dividend due 1st April.	
American Telephone & Telegraph Co. Capital Stk. Shs. of \$100 . . . . .	535.12 <i>cum</i> dividend due 15th April.	
Anaconda Copper Mining Co. Capital Stk. Shs. of \$50 . . . . .	82 8 <i>cum</i> dividend due 24th March.	
Bethlehem Steel Corporation (Del.) Common Stk. Shs. of no par value . . . . .	259 9	
Chrysler Corporation Common Stk. Shs. of \$5 . . . . .	220 3 <i>ex</i> dividend due 14th March.	
Electric Bond & Share Co., Common Stk. Shs. of \$5 . . . . .	11 3	
Electric Bond & Share Co., \$5 Cum. Pfd. Stk. Shs. of no par value . . . . .	172 8	
General Motors Corporation Common Stk. Shs. of \$10 . . . . .	141 13 <i>ex</i> dividend due 12th March.	
National City Bank of New York Capital Stk. Shs. of \$12.50. . . . .	89 2	
Republic Steel Corporation Common Stk. Shs. of no par value . . . . .	62 10 <i>ex</i> dividend due 2nd April.	
Socony Vacuum Oil Co., Inc. Capital Stk. Shs. of \$15 . . . . .	28 3 <i>ex</i> dividend due 15th March.	
United States Steel Corporation (N. J.) Common Stk. Shs. of no par value . . . . .	190 5 <i>ex</i> dividend due 20th March.	
National Power & Light Co., Common Stk. Shs. of no par value . . . . .	22 6	

<sup>1</sup> *Supra*, pages 422 and 423.

[*Orders under Rule 94 (3), Defence of India Rules.*]

Description of securities. (Column 1.)	Price per \$100 Nominal. (Column 2.)	
	Rs. A.	
United States of America $4\frac{1}{2}$ per cent. Treasury Bonds 1947/1952 . . . . .	401	4
United States of America $2\frac{1}{2}$ per cent. Treasury Bonds 1948/1951 . . . . .	364	14
United States of America 3 per cent. Treasury Bonds 1946/1948 . . . . .	367	4
United States of America 4 per cent. Treasury Bonds 1944/1954 . . . . .	376	4
United States of America $2\frac{1}{2}$ per cent. Treasury Bonds 1945/1947 . . . . .	363	9
United States of America $2\frac{1}{2}$ per cent. Treasury Bonds 1958/1963 . . . . .	362	15
United States of America $3\frac{1}{8}$ per cent. Treasury Bonds 1946/1949 . . . . .	369	4
United States of America $3\frac{3}{8}$ per cent. Treasury Bonds 1943/1947 . . . . .	357	10
United States of America $2\frac{1}{2}$ per cent. Treasury Bonds 1949/1953 . . . . .	354	9
United States of America 2 per cent. Treasury Notes Series B 1942 . . . . .	345	10
United States of America $2\frac{7}{8}$ per cent. Treasury Bonds 1955/1960 . . . . .	367	8

[*Gazette of India*, 1941, Extraordinary, p. 147.]

*Finance Dept., No. D./7175-B./41, dated the 24th December, 1941.*—Whereas the Central Government is of opinion that it is expedient for the purpose of strengthening its financial position to transfer to itself certain foreign securities :

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 94 of the Defence of India Rules the Central Government is pleased to make the following order, namely :—

All securities of the descriptions specified in the first column of the Schedule hereto annexed. other than those to which the provisions of the said rule do not apply by virtue of sub-rule (6) thereof, are hereby transferred to the Central Government at the prices specified in the corresponding entries in the second column of the said Schedule.

## SCHEDULE.

*Description and acquisition price of securities.*

Description of securities. (Column 1.)	Price per security of £100 nominal. (Column 2.)	
	Rs. AS.	
India $2\frac{1}{2}$ per cent. Stock . . . . .	1,041	10
India 3 per cent. Stock . . . . .	1,210	12

[*Gazette of India*, 1941, Extraordinary, p. 755.]

[Orders under Rule 98 (1), Defence of India Rules.]

Commerce Dept., No. 194 (1)-E.T./41, dated the 11th March, 1941.—In pursuance of clause (a) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Enemy (Shipping Claims) Order, 1941.

2. In this Order the expressions “enemy” and “enemy territory” have the meanings respectively assigned to them in rules 97 and 2 of the Defence of India Rules.

3. C. W. Bateson, Esquire, of Messrs. Thomas Cooper and Company, London, J. W. Boyle, Esquire, of the Asiatic Petroleum Company, Limited, <sup>1</sup>\* \* \* \* or any one <sup>1</sup>\* \* \* of them, or their agents in India, <sup>2</sup>[Messrs. Mackinnon Mackenzie and Company], Calcutta, are hereby authorised to take, on the instructions and in the names and on behalf of the persons beneficially interested, such steps and proceedings as they may consider desirable for the purpose of :—

(a) obtaining possession of any cargo lying in a ship at a port in any country not being enemy territory, other than cargo in a ship owned by a person who was an enemy prior to the 9th day of April, 1940 :

(b) enforcing and obtaining payment of any claim (other than a claim to the possession of cargo lying in a ship owned by a person who was an enemy prior to the 9th day of April, 1940) against any ship owned or chartered by an enemy, or against the owner, charterer, master or agent of any such ship ; or

(c) resisting any claim made by the owner, charterer, master or agent of any ship owned or chartered by an enemy ;

provided that, without an authority given generally or specially in that behalf by the Central Government, (a) no payment shall be made to or for the benefit of any enemy, and (b) no compromise shall be made of any

<sup>1</sup>Words omitted, Commerce Dept. Notfn. No. 194(1)-E.T.(B)/41 dated the 2nd August 1941.

<sup>2</sup>Subs., Commerce Dept. Notfn. No. 194(1)-E.T./41, dated the 29th March 1941.

[*Orders under Rule 98 (1), Defence of India Rules.*]

claim against an enemy on receiving payment of less than the full amount of the claim.

[*Gazette of India, 1941, Extraordinary, p. 155.*]

*Commerce Dept., No. 102 (18)-E. T. (B)/41, dated the 1st August, 1941.*—In exercise of the powers conferred by clause (a) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules, the Central Government is pleased to permit all commercial and financial dealings with any person or body of persons (whether corporate or unincorporate) carrying on business in the territories formerly known as Italian East Africa.

[*Gazette of India, 1941, Extraordinary, p. 465.*]

*Commerce Dept., No. 233-Ind. (7)/41, dated the 4th October, 1941.*—In pursuance of clause (a) of the proviso to sub-rule (1) of rule 98, and sub-rule (3) of rule 104 of the Defence of India Rules, 1939, the Central Government is hereby pleased to authorise—

- (1) the payment on behalf of any person, not being an enemy, of any fees necessary for obtaining the renewal of patents in enemy territory, and the payment to enemies of their charges and expenses in relation to the matter aforesaid;
- (2) the payment on behalf of an enemy of any fees payable on renewal of the grant of patents in any country, not being enemy or neutral territory, and the payment on behalf of an enemy to persons, not being enemies, of their charges and expenses, in relation to the matter aforesaid, and the receipt of payments from an enemy in relation to the matter aforesaid:

Provided always that any payment on behalf of an enemy under this paragraph, unless it is made by a person who has an interest in or under the patent in question, may be made by the person making the same only out of moneys—

- (a) remitted by or on behalf of such enemy, or
- (b) accrued due to such enemy since the outbreak of war, or
- (c) owed by a patent agent (in his business as such) in British India to a patent agent in enemy territory,



[Orders under Rules 98 (1), 99 and 100, Defence of India Rules.]

and not by way of gift or by way of advancement or loan to or on account of such enemy.

[Gazette of India, 1941, Pt. I, p. 1426.]

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*Orders under Rule 99, Defence of India Rules.*

Commerce Dept., No. D.-2048-E. T./40, dated the 27th July, 1940.—In pursuance of rule 99 of the Defence of India Rules, the Central Government is pleased to direct that any transactions between any bank in British India and any of the branches in British India of the firm incorporated in Copenhagen, known as the East Asiatic Company, Limited, which were entered into after the occupation by Germany of Copenhagen, shall be as effective for the purpose of conferring rights and remedies on the parties to those transactions or any persons claiming under them, as if the said occupation had not taken place.

[Gazette of India, 1940, Pt. I, p. 1080.]

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*Orders under Rule 100, Defence of India Rules.*

E. A. Dept., No. 27-W., dated the 29th November, 1939.—In exercise of the powers conferred by rule 100 of the Defence of India Rules, as applied to the areas specified in the Schedule hereto annexed, the Central Government is pleased to appoint the officer for the time being holding in British India the appointment of Inspector of Enemy Trading at Karachi, to be the Inspector of Enemy Trading for the said areas.

*Schedule.*

1. Tribal areas beyond the western and northern boundaries of the North-West Frontier Province.
2. Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas.

[Gazette of India, Extraordinary, dated the 29th November, 1939.]

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Commerce Dept., No. 71 (4)-Tr. (W)/39, dated the 20th January, 1940.—In exercise of the powers conferred by rule 100 of the Defence of India Rules, the Central

432 *Legislation and Orders relating to the War.*

(Orders under Rules 100 and 105, Defence of India Rules.)

Government is pleased to appoint the Collector of Customs, Chittagong, to be an Inspector under the said rule at Chittagong.

[*Gazette of India*, 1940, Pt. I, p. 59.]

*Commerce Dept., No. 12 (39)-E. T./41, dated the 23rd June, 1941.*—In exercise of the powers conferred by rule 100 of the Defence of India Rules, the Central Government is pleased to appoint the Inspector of Customs Preventive Cordon in Baluchistan, to be an Inspector of Enemy Trading under the said rule in Baluchistan with effect from the 23rd June 1941.

[*Gazette of India*, 1941, Pt. I, p. 916.]

*E. A. Dept., No. 19-W., dated the 19th October, 1939.*—In exercise of the powers conferred by rules 100, 105 and sub-rule (1) of rule 114 of the Defence of India Rules, as applied<sup>1</sup> to the areas specified in the Schedule hereto annexed, the Central Government is pleased to appoint the officers for the time being holding in British India the appointments of Controller of Enemy Trading, Controller of Enemy Firms and Custodian of Enemy Property to be respectively the Controller of Enemy Trading, the Controller of Enemy Firms and the Custodian of Enemy Property for the said areas.

*Schedule.*

1. Tribal areas beyond the western and northern boundaries of the North-West Frontier Province.
2. Baluch tribal areas beyond the western border of the Dera Ghazi Khan District of the Punjab as are not included in the Baluchistan tribal areas.

[*Gazette of India*, 1939, Extraordinary, p. 431.]

*Orders under Rule 105, Defence of India Rules.*

*Finance Dept., No. 126-S. R. B., dated the 4th September, 1939.*—In exercise of the powers conferred by rule 105 of the Defence of India Rules, the Central Government is pleased to appoint the Agent of every branch of the Imperial Bank of India in British India to be an Inspector of Enemy Firms for the revenue district in which the branch is situate.

[*Gazette of India*, 1939, Extraordinary p. 219.]

<sup>1</sup>See Notifications Nos. 23-W. and 24-W., dated the 14th November, 1939, *supra*, pages 1—3.

[Orders under Rule 114 (1), Defence of India Rules.]

D. C. Dept., No. 241-O. R./39, dated the 29th September, 1939.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Control of Internees' Property Order, 1939.

<sup>1</sup>[2. (1) In this Order,—

(a) "Custodian" means the Custodian of Enemy Property for British India appointed under rule 114 of the Defence of India Rules and includes any Deputy or Assistant Custodian of Enemy Property authorised by the said Custodian in respect of all or any of the provisions of this Order;

(b) "internee" means an enemy foreigner in respect of whom there is in force any order made, or deemed to have been made under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1940;

(c) "parole centre" means a place declared by the Central Government or any Provincial Government to be a parole centre;

(d) "person on parole" means an enemy foreigner, in respect of whom there is in force any order made, or deemed to have been made, under sub-clause (i) of clause (e) of sub-section (2) of section 3 of the Foreigners Act, 1940, restricting his residence to the limits of a parole centre.]

<sup>2</sup>[2A. A person on parole may dispose of—

(i) any of his moveable property other than securities or stock in trade;

(ii) with the general or special approval of the Custodian previously obtained any of his securities, stock in trade or immoveable property :

Provided that he shall in either case inform the Custodian of any such disposal of property within seven days thereof, giving full

<sup>1</sup>Subs., Commerce Dept. Notfn. No. 42(5)-E.T./40, dated the 21st June 1941.

<sup>2</sup>Ins., *ibid.*

[*Orders under Rule 114 (1), Defence of India Rules.*]

particulars, and shall place the proceeds thereof to his own credit in a bank approved by the Custodian.]

3. An internee <sup>1</sup>[or person on parole] may, with the approval of the Custodian, execute any general or special power of attorney for the disposal of his property and conduct of his affairs.

4. Any such power of attorney as aforesaid may be in favour of the Custodian or such other person in British India (hereinafter referred to as the nominee) as the internee <sup>1</sup>[or person on parole] chooses to nominate.

<sup>2</sup>[4A. (1) If any such power of attorney as aforesaid is granted in favour of the Custodian, the Custodian shall be entitled to levy in respect of each transaction completed by him on behalf of the internee, <sup>1</sup>[or person on parole], such fee not exceeding two per cent. of the monetary value thereof as the Custodian may consider proper.

(2) The Custodian shall be the sole judge of the monetary value of any transaction for the purposes of this paragraph.]

5. A nominee, if so authorised by the power of attorney which he holds, may dispose of—

- (i) any moveable property belonging to the internee <sup>1</sup>[or person on parole] other than securities or stock in trade;
- (ii) with the <sup>3</sup>[general or special approval of the custodian previously obtained], any securities, stock in trade or immoveable property belonging to the internee <sup>1</sup>[or person on parole] :

Provided that the nominee shall <sup>1</sup>[in either case] inform the Custodian of any such disposal of property within seven days thereof, giving full particulars, and shall place the proceeds thereof to the credit of the internee <sup>1</sup>[or person on parole] in a bank approved by the Custodian.

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<sup>1</sup>Ins., Commerce Dept. Notfn. No. 42(5)-E.T./40, dated the 21st June 1941.

<sup>2</sup>Ins., Commerce Dept. Notfn. No. 69 (8)-Tr.(W)/40, dated the 20th April 1940.

<sup>3</sup>Subs., Commerce Dept. Notfn. No. 42(5)-E.T./40, dated the 21st June 1941.

[Orders under Rule 114 (1), Defence of India Rules.]

<sup>1</sup>[5A. No bank in British India shall allow withdrawals from an account, including a joint account, belonging to an internee <sup>2</sup>[or person on parole] except in accordance with the provisions of paragraph 6 of this Order or with such general or special instructions not inconsistent with that paragraph as the Custodian may issue.]

6. Notwithstanding anything contained in rule 104 of the Defence of India Rules, any bank in British India may accept, pay money on, or otherwise deal with, a cheque drawn by, or on behalf of, an internee <sup>2</sup>[or a person on parole], if the cheque is countersigned by the Commandant of the internment camp in which the internee is for the time being detained or confined <sup>2</sup>[or, as the case may be, by the Commandant, Superintendent or other officer in charge of the parole centre in which the person on parole is for the time being residing.]

[Gazette of India, Extraordinary, dated the 29th September, 1939.]

Commerce Dept., No. 42 (1)-Tr. (E. P.)/39, dated the 14th October, 1939.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Enemy Property Short title. (Custody and Registration) Order, 1939.

2. In this Order unless there is something repugnant Definitions. in the subject or context,—

(i) “Custodian” means the Custodian of Enemy Property for British India appointed under rule 114 of the Defence of India Rules and includes any Deputy or Assistant Custodian of Enemy Property authorised by the said Custodian in respect of all or any of the provisions of this Order :

(ii) the expressions “enemy subject” “enemy firm”, “enemy property” and “securities” shall have the meanings respectively assigned to them by rule 103 of the Defence of India Rules ;

<sup>1</sup>Ins., Commerce Dept. Notfn. No. 73 (8)-Tr.(W)/39, dated the 25th November, 1939.

<sup>2</sup>Ins., Commerce Dept. Notfn. No. 42(5)-E.T./40, dated the 21st June 1941.

[*Orders under Rule 114 (1), Defence of India Rules.*]

- <sup>1</sup>[(iii) "enemy" means any person whose property is for the time being vested in the Custodian by an order made under sub-rule (1) of rule 114 of the Defence of India Rules];
- (iv) "Form" means a Form appended to this Order;
- (v) "person" includes any company or association or body of individuals whether incorporated or not.

Payment to  
Custodian of  
money other-  
wise payable to  
an enemy.

3. <sup>2</sup>[(1)] Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an <sup>3</sup>[enemy], <sup>4</sup>[shall, unless otherwise ordered by the Central Government, be paid] by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this Order.

<sup>5</sup>[(2) In cases in which money would, but for the existence of a state of war, be payable in a foreign currency to or for the benefit of a person who is an enemy (other than cases in which money is payable under a contract in which provision is made for a specified rate of exchange), the payment shall be made to the Custodian of Enemy Property in British India in Rupee currency at the middle official rate of exchange fixed by the Bank of England on the date on which the payment became due to that person (or the middle rate of exchange for telegraphic transfers in London on that date, or if there was no such rate on that date, at such rate as the Treasury of His Majesty's Government in the United Kingdom may determine as appropriate for ascertaining the value in English currency of the money payable on that date) combined with the Reserve Bank of India's buying rate for Sterling telegraphic transfers on London.]

<sup>1</sup>Subs. by Commerce Dept. Notfn. No. 43 (8)-Tr.(W)/40, dated the 15th June, 1940.

<sup>2</sup>Renumbered, Commerce Dept. Notfn. No. 73 (38)-Tr. (W)/39, dated the 25th May, 1940.

<sup>3</sup>Subs., Commerce Dept. Notfn. No. 48 (2)-Tr. (W)/40, dated the 5th September, 1940.

<sup>4</sup>Subs., Commerce Dept. Notfn. No. 72 (2)-Tr. (W)/39, dated the 6th January, 1940.

<sup>5</sup>Ins., Commerce Dept. Notfn. No. 73 (38)-Tr. (W)/39, dated the 5th May, 1940.

[Orders under Rule 114 (1), Defence of India Rules.]

4. (1) Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, the property of an enemy is vested in the Custodian, the Custodian may take, <sup>1</sup>[or authorize the taking of,] such measures as he considers necessary or expedient <sup>2</sup>[for preserving the property, and, where the property belongs to an individual enemy subject, may incur such expenditure out of the property as he considers necessary or expedient for the maintenance of that individual or of his family in British India].

Powers of Custodian in respect of enemy property vesting in him.

(2) Without prejudice to the generality of the foregoing provision, the Custodian <sup>3</sup>[ , or such person as may be specially authorised by him in this behalf,] may, for the said purpose,—

- (i) carry on the business of the enemy,
- (ii) take action for recovering any money due to the enemy,
- (iii) make any contracts, and execute any documents in the name and on behalf of the enemy,
- <sup>4</sup>[(iv) institute, defend or continue any suit or other legal proceeding, refer any dispute to arbitration and compromise any debts, claims or liabilities,]
- <sup>3</sup>[(v) raise on the security of the property such loans as may be necessary,]
- <sup>5</sup>[(vi)] incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

<sup>1</sup>Ins., Commerce Dept. Notfn. No. 43 (8)-Tr. (W)/40-(1), dated the 3rd July, 1940.

<sup>2</sup>Subs., Commerce Dept. Notfn. No. 62 (2)-Tr. (W)/40, dated the 18th May, 1940.

<sup>3</sup>Ins., Commerce Dept. Notfn. No. 43 (8)-Tr. (W)/40-(1), dated the 3rd July, 1940.

<sup>4</sup>Ins., Commerce Dept. Notfn. No. 62 (2)-Tr. (W)/40-(1), dated the 18th May, 1940.

<sup>5</sup>Renumbered, Commerce Dept. Notfn. No. 43 (8)-Tr. (W)/40-(1), dated the 3rd July, 1940.

[*Orders under Rule 114 (1), Defence of India Rules.*]

<sup>1</sup>[(vii)] transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property <sup>2</sup>[or of any easement, interest, profit or right, present or future, arising therefrom or incidental thereto].

<sup>3</sup>[(3) In respect of the property of a person who is a British subject or the Ruler or a subject of an Indian State, and who is an enemy within the meaning of clause (b) of rule 97 of the Defence of India Rules, the Custodian shall have, in addition to the powers mentioned in sub-paragraph (2), the following powers, namely :—

- (i) the power to make payments to such person and to his dependents;
- (ii) the power to make payments on behalf of such person to persons other than those who are enemies under rule 97 of the Defence of India Rules, of dues outstanding on the date on which such person became an enemy; and
- (iii) generally to make such other payments out of the funds of such person as may be directed by the Central Government.

5. All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree <sup>4</sup>[or orders of any other authority].

6. (1) Where in exercise of the powers conferred by paragraph 4 of this Order the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a company, the company shall, on receipt of the transfer and an order in this behalf from

<sup>1</sup>Renumbered, Commerce Dept. Notfn. No. 43 (8)-Tr. (W)/40-(1) dated the 3rd July, 1940.

<sup>2</sup>Added, Commerce Dept. Notfn. No. 183 (17)-E.T./41, dated the 4th October, 1941.

<sup>3</sup>Ins., Commerce Dept. Notfn. No. 5 (33)-E.T./40, dated the 22nd February, 1941.

<sup>4</sup>Ins., Commerce Dept. Notfn. No. 74 (12)-Tr. (W)/39, dated the 19th September, 1940.

Exemption  
from attach-  
ment, etc.

Transfers of  
Securities  
belonging to  
an enemy.



[Orders under Rule 114 (1), Defence of India Rules.]

the Custodian, register the securities in the name of the transferee, notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred :

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and to any other lien or charge of which the Custodian gives express notice to the company.

7. (1) A Custodian may by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

Powers of Custodian to summon persons and call for documents.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter-book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

<sup>1</sup>[8. (1) Every bank carrying on business in British India which has any balances or deposits standing to the credit of an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such balances or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Returns relating to enemy property.

NOTE.—Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

(2) Every company incorporated in British India, and every company which though not incorporated in British India has a share transfer or share registration office in British India, shall, within two months of the vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form

<sup>1</sup>Subs., Commerce Dept. Notfn, No. 48 (2)-Tr. (W)/40, dated the 5th September, 1940.

[*Orders under Rule 114 (1), Defence of India Rules.*]

B full particulars of all securities of the company held by such enemy.

(3) Every firm carrying on business in British India, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in British India by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

(5) Every person, other than a bank, residing or carrying on business in British India who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

(6) Every person residing or carrying on business in British India who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject detained in an internment camp in British India, and not covered by the preceding subparagraphs shall within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

(7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income derived from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived, the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same

[Orders under Rule 114 (1), Defence of India Rules.]

form within one month after the change has occurred or has been effected.

(9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,—

- (a) exempt any person or class of persons from making the returns mentioned therein, and
- (b) extend in any particular case or class of cases the time limit laid down for the submission of such returns.]

9. Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8. Responsibility for making returns on behalf of companies and firms.

10. (1) All returns relating to enemy property submitted to the Custodian in pursuance of paragraph 8 shall be recorded in such registers as may be prescribed by the Custodian. Registers of returns.

(2) All such registers shall be open to inspection, subject to the payment of a fee of Rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian is interested in any particular enemy property as a creditor or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a fee of Rupee one per page or part of a page.

<sup>1</sup>[11. <sup>2</sup>(1) There shall be retained by the Custodian fees equal to two per centum of— Fees for custody.

- (a) the amount of monies paid to him ;
- (b) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him ; and
- (c) the value of the residual property, if any, at the time of its transfer to the original owner :

Provided that in the case of <sup>3</sup>[an enemy whose property is] allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied

<sup>1</sup>Added, Commerce Dept. Notfn. No. 72 (2)-Tr. (W)/39, dated the 6th April, 1940.

<sup>2</sup>Subs., Commerce Dept. Notfn. No. 74 (12)-Tr. (W)/39, dated the 19th September, 1940.

<sup>3</sup>Subs., Commerce Dept. Notfn. No. 183 (20)-E.T.(A)/41, dated the 13th December, 1941.

[Orders under Rule 114 (1), *Defence of India Rules.*]

a fee of two per centum of the gross income of <sup>1</sup>[the enemy] or such less fee as may be specifically fixed by the Central Government after taking into consideration the cost of direct management incurred by Government, the cost of superior supervision, and any risks that may be incurred by Government in respect of the management.]

(2) The value of any property for the purpose of assessing the fees shall be the price which, in the opinion of the Central Government or of an authority empowered in this behalf by the Central Government, such property would fetch if sold in the open market.

(3) The fees in respect of any property may be retained out of any proceeds of the sale or transfer thereof, or out of any income accrued therefrom, or out of any other property belonging to the same enemy and vesting in the Custodian.]

## APPENDIX.

## FORM A.

To

THE CUSTODIAN OF ENEMY PROPERTY,

Ref. No. A.....

From.....

(Address).....

Date.....

Return showing particulars of balances or deposits standing to the credit of an enemy.

N.B.—Where not known, the contents of sealed boxes, packages, etc., deposited need not be ascertained.

Name of enemy.	Address.	Balances.	Cash deposits.	Description and Estimated Value (if known) of deposits other than cash deposits.
				£. s. d.
				Rs. as. p.
				£
				Total.....
				Rs.

<sup>1</sup>Subs., Commerce Dept. Notfn. No. 183 (20)-E.T. (A)/41, dated the 13th December, 1941.

[Orders under Rule 114 (1), Defence of India Rules.]

<sup>1</sup>[FORM AA.

To

THE CUSTODIAN OF ENEMY PROPERTY,

BOMBAY.

PART I.

Refunds claimed against enemy debts already paid into Custodian's account.

References.		Date of deposit and name of enemy.	Amount of deposit.	With-drawals claimed.	Remarks re nature of the claim.
Bank's letters.	Custodian's letters.				
1	2	3	4	5	6

Rs. A. P. Rs. A. P.

Rs. A. P.

Total claims .

<sup>1</sup>Ins. Commerce Dept. Notfn. No. 57 (3)-Tr. (W)/40, dated the 8th June 1940.

[*Orders under Rule 114 (1), Defence of India Rules.*]

PART II.

Payments now to be made to Custodian.

References.		Gross collections.	Amount of Bank's claim.	Net payment to Custodian.	Remarks.	
Bank's letters.	Custodian's letters.				Details of collections in column 3.	Details of claims in column 4.
1	2	3	4	5	6	7

Rs. A. P. Rs. A. P. Rs. A. P.

Rs. A. P.

Total payments .

PART III.

Rs. A. P.

Total claims, part I .

Total payments, part II

Net amount due to/by custodian

"I certify that I have verified that the amounts claimed above are due from the particular enemy against whose assets they are now being claimed, and that the above statement is to the best of my knowledge correct.

Manager.]

[Orders under Rule 114 (1), Defence of India Rules.]

FORM B.

To

THE CUSTODIAN OF ENEMY PROPERTY,

Ref. No. B.....

From.....

(Address).....

Date.....

Return showing particulars of all securities of a company belonging to an enemy.

Name of enemy.	Address.	Description of securities.	Value.
			<div data-bbox="653 1178 801 1253"> <p>£.   s.   d.</p> <hr/> <p>Rs.   as.   p.</p> </div>









[Orders under Rule 114 (1), Defence of India Rules.]

FORM F.

To

THE CUSTODIAN OF ENEMY PROPERTY,

Ref. No. F.....

From.....

(Address).....

Nature of lien claimed (if any).....

Return showing particulars of enemy property in possession not already recorded with the Custodian.

N.B.—This form should be used in respect of enemy property held in safe custody.

Full name of person for whom held (surname first).	Full address of person for whom held.	(Each item to be stated separately.)			
		Immoveable Property.		Moveable Property.	
		Full description of any landed property held in respect of which Income has been received.	Amount of Income received therefrom.	Full description of any moveable property held in respect of which income has been received.	Amount of income received therefrom.
			£ s. d. Rs. a. p.		£ s. d. Rs. a. p.
				Total	£ Rs.

[*Orders under Rule 114 (1), Defence of India Rules.*]

FORM G.

To

THE CUSTODIAN OF ENEMY PROPERTY,

.....

Ref. No. G.....

From.....

(Address).....

.....

*N.B.*—This form should be used in respect of property held otherwise than in safe custody.

Full name of person for whom held (surname first).	Full address of person for whom held.	(Each item to be stated separately.)			
		Immoveable Property.		Moveable Property.	
		Full description of any landed property held in respect of which income has been received.	Amount of income received therefrom.	Full description of any moveable property held in respect of which income has been received.	Amount of income received therefrom.
			<div>£ s. d. Rs a. p.</div>		<div>£ s. d. Rs. a. p.</div>
			Total £ Rs.		

[Orders under Rule 114 (1), Defence of India Rules.]

FORM H.

QUARTERLY RETURN OF INCOME.

To

THE CUSTODIAN OF ENEMY PROPERTY,

Ref. No. H.....

From.....

(Address).....

Nature of lien claimed (if any).....

Date.....

Returns showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N.B.—(1) If no income has been received since date of previous return, the fact should be recorded and the order returned to the Custodian.

(2) The amount of any lien on the income recorded or on the property from which it is derived, should be notified if this has not already been done.

Full name of person for whom held (surname first).	Full address of person for whom held.	(Each item to be stated separately.)			
		Immoveable Property.		Moveable Property.	
		Full description of any landed property held in respect of which income has been received.	Amount of income received since date of last return.	Full description of any moveable property held in respect of which income has been received.	Amount of income received since date of last return.
			£ s. d. Rs. a. p.		£ s. d. Rs. a. p.
				Total	£ Rs.

[*Orders under Rule 114 (1), Defence of India Rules.*]

*Commerce Dept. No. 48 (2)-Tr. (W.)/40, dated the 28th September, 1940.*—The following Order, dated the 5th September, 1940, made by the Government of India in the Department of Commerce is published for general information—

“In pursuance of sub-paragraph (1) of paragraph 3 of the Enemy Property (Custody and Registration) Order, 1939,<sup>1</sup> the Central Government is pleased to direct that the provisions of the said sub-paragraph shall not apply—

- (a) to sums payable to the Norwegian subjects and firms in enemy territory; and held by the Norges Bank on behalf of the Royal Norwegian Government in terms of the Royal Norwegian Emergency Order, dated the 22nd April, 1940; or
- (b) to sums held by the Dutch banks in India on behalf of Dutch subjects and firms in enemy territory.

[*Gazette of India, 1940, Pt. I, p. 1407.*]

*Commerce Dept. No. 72 (1)-Tr. (W.)/39, dated the 2nd November, 1939.*—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, and in supersession of the Notification of the Government of India in the Commerce Department, No. 41 (1)-Tr. (E. P.)/39, dated the 14th October, 1939, the Central Government is pleased to order that all enemy property in British India, moveable or immoveable belonging to, or held by, or managed on behalf of, any enemy subject either—

- (a) as defined in sub-clause (a) of clause (1) of rule 103 of the said Rules, who is not for the time being in India, or
- (b) as defined in sub-clause (b) of the said clause, where the property is not under the control of an Indian branch of the body of persons for the time being carrying on business in India,

shall vest in the Custodian of Enemy Property for British India.

[*Gazette of India, 1939, Extraordinary, p. 453.*]

<sup>1</sup>*Supra*, p. 435.

[Orders under Rule 114 (1), Defence of India Rules.]

*E. A. Dept. No. 28-W., dated the 4th December, 1939.*—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied<sup>1</sup> to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to apply to the said areas, the Enemy Property (Custody and Registration) Order, 1939,<sup>2</sup> subject to any amendments to which the said Order is for the time being subject in British India.

Provided that in the said Order as so applied, references to the Defence of India Rules shall be construed as references to those rules as applied to the said areas and references to British India shall be construed as references to the said areas.

[*Gazette of India*, 1939, Extraordinary, p. 497.]

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*E. A. Dept. No. 29-W., dated the 4th December, 1939.*—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied<sup>1</sup> to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to order that all enemy property in the said areas, moveable or immoveable, belonging to, or held by, or managed on behalf of, any enemy subject either—

(a) as defined in sub-clause (a) of clause (1) of rule 103 of the said Rules, as applied to the said areas, who is not for the time being in India, or

(b) as defined in sub-clause (b) of the said clause, where the property is not under the control of an Indian branch of the body of persons for the time being carrying on business in India,

shall vest in the Custodian of Enemy Property for the said areas.

[*Gazette of India*, 1939, Extraordinary, p. 497.]

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<sup>1</sup>See Notfn. No. 23-W., dated the 14th November, 1939, *supra*, p. 1.  
<sup>2</sup>*Supra*, p. 435.

[*Orders under Rule 114 (1), Defence of India Rules.*]

Commerce Dept. No. 49 (23)-Tr. W./40, dated the 6th June, 1940.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to order that, unless otherwise directed by it in any particular case, all property in British India, moveable or immoveable, belonging to, or held by, or managed on behalf of—

(a) any person who is an enemy as defined in clause (b) of rule 97 of the said Rules, or

(b) any body of persons which is an enemy as defined in clause (c) of rule 97 of the said Rules, where the property is not under the control of an Indian branch of that body for the time being carrying on business in India,

shall vest in the Custodian of Enemy Property for British India.

[*Gazette of India*, 1940, Pt. I, p. 820.]

Commerce Dept. No. 49 (23)-Tr. (W.)/40, dated the 25th June 1940.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, and in supersession of the Notification of the Government of India in the Department of Commerce No. 49 (23)-Tr. (W.)/40, dated the 14th June, 1940, the Central Government is pleased to direct that—

(1) all property in British India, moveable or immoveable, belonging to, or held by, or managed on behalf of, any body of persons constituted or incorporated in any enemy territory as defined in sub-rule (2) of rule 2 of the said Rules and under the control of an Indian branch of that body for the time being carrying on business in India shall vest in the Custodian of Enemy Property for British India;

(2) in respect of the property of a body of persons which has been vested as aforesaid, the said Custodian shall have power to delegate to any Branch Manager of the said body of persons all or any of the powers exercisable by him under sub-paragraph (2) of paragraph 4 of the <sup>1</sup>Enemy Property (Custody and Registration) Order, 1939.

[*Gazette of India*, 1940, Pt. I. p. 918.]



[Orders under Rule 114 (1), Defence of India Rules.]

Commerce Dept. No. 184 (12)-E.T. (A)/41, dated the 8th November, 1941.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to direct that all property in British India, moveable and immoveable, belonging to, or held by, or managed on behalf of, any person who became an enemy as defined in clause (b) of rule 97 of the said Rules, or any body of persons which became an enemy as defined in clause (c) of the said rule 97 on the declaration of Syria and Lebanon as enemy territories, which vests in the Custodian of Enemy Property for British India by virtue of the notification of the Government of India in the Department of Commerce, <sup>1</sup>No. 49 (23)-Tr. (W.)/40, dated the 6th June, 1940, shall cease to vest in the Custodian and shall revert in the said person or body of persons.

[Gazette of India, 1941, Pt. I, p. 1627.]

Commerce Dept. No. 120 (2)-E.T. (A)/41, dated the 8th December, 1941.—In exercise of the powers conferred by sub-rule (1) read with sub-rule (3A) of rule 114 of the Defence of India Rules, the Central Government is pleased to order that all money which would but for the said Rules be payable to or for the benefit of an enemy as defined in clause (f) of rule 97 of the said Rules, shall be paid to the Custodian of Enemy Property for British India.

[Gazette of India, 1941, Extraordinary, p. 721.]

Commerce Dept. No. 186 (16)-E.T. (A)/41, dated the 23rd December, 1941.—In exercise of the powers conferred by sub-rule (1) read with sub-rule (3A) of rule 114 of the Defence of India Rules, the Central Government is pleased to direct that the provisions of the notifications of the Government of India in the Department of Commerce, <sup>1</sup>No. 49 (23)-Tr. (W.)/40, dated the 6th June, 1940, <sup>1</sup>No. 49 (23)-Tr. (W.)/40, dated the 25th June, 1940, and <sup>2</sup>No. 120 (2)-E. T. (A.)/41, dated the 8th December, 1941, and of sub-paragraph (1) of paragraph 3 of the <sup>3</sup>Enemy Property (Custody and Registration) Order, 1939, shall not apply to balance or other assets in India or residents of the areas specified in the Schedule hereto annexed (other than those of Japanese subjects or concerns).

<sup>1</sup> *Supra*, p. 454.

<sup>2</sup> *Supra*.

<sup>3</sup> *Supra*, p. 435.

[*Orders under Rules 114 (1) and 129 (1), Defence of India Rules.*]

*Schedule.*

Japanese occupied China including the International Settlement and French Concessions at Shanghai and British Concessions in China.

[*Gazette of India, 1941, Pt. I, p. 1849.*]

[*Orders under Rule 114 (1), Defence of India Rules.*]

D. C. Dept., No. 232-O.R./4/39, dated the 9th September, 1939.—Whereas the Central Government has declared<sup>1</sup> the Digboi oil-fields as protected areas.

Now therefore in exercise of the powers conferred by clause (c) of sub-rule (1) of rule 129 of the Defence of India Rules, the Central Government is pleased to empower all police officers and members of His Majesty's forces on duty in the said areas to exercise the powers referred to in the said clause.

[*Gazette of India, 1939, Extraordinary, p. 264.*]

Home Dept. No. 62/3/40, dated the 9th April, 1940.—In pursuance of sub-rule (1) of rule 129 of the Defence of India Rules, 1939, the Central Government is pleased to empower the Officers of the Customs Department specified in the annexed Schedule to arrest persons without warrant under the said sub-rule :—

*List.*

District. 1	Station. 2	Designation of officer.. 3
<i>Air Ports.</i>		
Chingleput . . .	Minambakkam.	Customs Preventive Officer.
Trichinopoly . . .	Trichinopoly	Customs Collector.
<i>Sea Ports.</i>		
South Arcot . . .	Porto Novo	Customs Sub-Inspector..
South Kanara . . .	Kasargod . . .	Customs Clerk.
	Mulki . . .	Customs Clerk.
	Malpe . . .	Customs Sub-Inspector..
	Hangerkotta	Customs Sub-Inspector..
	Coondapoor	Customs Sub-Inspector..
	Byndoor . . .	Customs Clerk.
	Mangalore . . .	Customs Assistant Inspector.
Kistna . . .	Masulipatam	Customs Sub-Inspector.

<sup>1</sup> See Notification No. 21/114/39-Political (W.)-II, dated the 5th September, 1939, *supra*, p. 164.

[Orders under Rule 129 (1), Defence of India Rules.]

District.	Station.	Designation of officer.
1	2	3
Malabar . . .	Calicut . . .	Customs Assistant Inspector.
	Cannanore . . .	Customs Sub-Inspector.
Ramnad . . .	Tondi . . .	Customs Clerk.
	Kilakarai . . .	Customs Clerk.
	Devipatnam . . .	Customs Clerk.
	Pamban . . .	Customs Sub-Inspector.
	Mandapam . . .	Customs Collector at Pamban.
Tanjore . . .	Tranquebar . . .	Assistant Inspector, Salt and Customs.
	Topputhurai . . .	Customs Collector.
	Adiampatnam . . .	Customs Collector.
	Ammapatnam . . .	Customs Collector.
	Tirumalavasal . . .	Customs Collector.
Tinnevelly . . .	Kulasekarapatnam . . .	Customs Clerk.
Vizagapatam . . .	Calingapatam . . .	Customs Collector.
	Baruva . . .	Customs Collector.
	Bimlipatam . . .	Customs Collector.

*Land Customs Frontier.*

South Arcot . . .	Kandamangalam . . .	Assistant Commissioner of Salt Revenue, Pondicherry Frontier.
	Kandamangalam . . .	Customs Assistant Inspector.
	Kandappachavadi . . .	Customs Clerk.
	Kottakuppam . . .	Customs Sub-Inspector.
	Madalapet . . .	Customs Sub-Inspector.
	Mortandichavadi . . .	Customs Sub-Inspector.
	Nallathur . . .	Customs Clerk.
	Pallinellianur . . .	Customs Clerk.
	Thukkanambakam . . .	Customs Clerk.
	Valudavur . . .	Customs Sub-Inspector.
Tanjore . . .	Kandangudi . . .	Customs Sub-Inspector.
	Nalladai . . .	Customs Clerk.
	Nandalar . . .	Customs Sub-Inspector.
	Peralam . . .	Customs Sub-Inspector.
	Sannamangalam . . .	Customs Sub-Inspector.
	Velumangalam . . .	Customs Clerk.
	Seshamulai . . .	Customs Clerk.
	Velangudi . . .	Customs Clerk.
Malabar . . .	Kallayi . . .	Customs Clerk.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

or, as the case may be, discharged by the persons and authorities specified in column 2 of the said Schedule within the local limits of the territorial jurisdiction of such persons and authorities.

*Schedule.*

Powers and duties conferred or imposed by rule or sub-rule of the Defence of India Rules.	Person or authority.
<sup>1</sup> [6 (including rule 6 as having effect by virtue of rule 7)].	Chief of the General Staff. General Officers. Commanding-in-Chief Commands. <sup>2</sup> [Commanders, Districts.] <sup>3</sup> [Commanders, Areas.] <sup>4</sup> [Commanders, Brigades.] ***** <sup>2</sup> [Air Officer Commanding, Air Forces in India.] Group Commanders and Station Commanders of the Royal Air Force. Flag Officer Commanding, Royal Indian Navy. Naval Officers in Charge. <sup>6</sup> [(Captain Superintendent, H. M. I. Dockyard, Bombay)]
28 (1) (a) . . . .	Chief of the General Staff. General Officer Commanding-in-Chief, Southern Command. <sup>2</sup> [Commander, Deccan District.] Officer Commanding, Ahmednagar.
28 (1) (b) . . . .	All Officers Commanding troops in whose custody are prisoners of war.
132 (2) in respect of rule 35.	Any Commissioned, Warrant or Non-commissioned officer of His Majesty's Military <sup>7</sup> [or Air] Forces.

<sup>1</sup> Subs.. D. C. Dept. Notfn. No. 256-O. R./39, dated the 24th November 1939.

<sup>2</sup> Subs.. D. C. Dept. Notfn. No. 218-O. R./39, dated the 12th September 1939.

<sup>3</sup> Subs.. D. C. Dept. Notfn. No. 218-O. R./39, dated the 20th July 1940.

<sup>4</sup> Ins.. D. C. Dept. Notfn. No. 218-O. R./39, dated the 12th September 1939.

<sup>5</sup> Entry omitted, D. C. Dept. Notfn. No. 752-O. R./1/41, dated the 22nd March 1941.

<sup>6</sup> Ins.. D. C. Dept., Notfn. No. 858-O. R./41, dated the 14th June 1941.

<sup>7</sup> Ins., D. C. Dept., Notfn. No. 218-O. R./39, dated the 23rd November 1940.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

Fortress.	Area.
Madras— <i>contd.</i>	<p>(c) On the South, a line running East and West through Trambaram Railway station on the South Indian Railway.]</p> <p>(d) On the East, the limit of territorial waters.</p>
Cochin	<p>• The area comprised within the boundaries of British Cochin.</p>
Calcutta	<p>• The area comprised within the following boundaries :—</p> <p>(a) On the North, a line joining Bandel railway station (East Indian Railway) with Halishahar railway station (Eastern Bengal Railway).</p> <p>(b) On the East, a line joining Halishahar railway station with Port Canning, thence the East bank of the Matla River to the sea.</p> <p>(c) On the South :—The limit of territorial waters in the Bay of Bengal.</p> <p>(d) On the West :—A line from the sea produced through Contai to Kolaghat station (B. N. Railway), thence a line to Bandel station.</p>

[*Gazette of India, 1939, Extraordinary, p. 255.*]

*D. C. Dept., No. 232-O.R.-2/39, dated the 9th September, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939<sup>1</sup>, the Central Government is pleased to direct that the powers conferred on it by rule 6 <sup>2</sup>[or, as the case may be, by rule 6 read with rule 7] of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being prohibited or protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

<sup>1</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939), but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

<sup>2</sup> *Ins., D. C. Dept. Notfn. No. 256-O. R./2/39, dated the 11th December, 1939.*

*Part VI.—Rules and Orders under the Defence of India Act, 1939.* 463

[Orders under Section 2 (4), Defence of India Act, 1939.]

*Schedule.*

1.	2.
1. Any wireless station worked by the Posts and Telegraphs Department (prohibited place).	Divisional Engineer, Telegraphs, in whose jurisdiction the station is situated <sup>1</sup> [or the Officer in charge of the station].
<sup>2</sup> [2. Civil Aerodromes . . .	The Officer in charge of the aerodrome.
2-A. Seaplane Stations—	
Calcutta . . .	The Officer in charge of the civil aerodrome at Dum Dum or the British Overseas Airways official in charge of the seaplane station.
Allahabad . . .	The Officer in charge of the civil aerodrome at Allahabad or the British Overseas Airways official in charge of the seaplane station.
Karachi . . .	The Officer in charge of the Karachi Airport or the British Overseas Airways official in charge of the seaplane station].
3. Any All-India Radio Studio, Transmitter or Receiving Centre, declared to be a protected place.	Station Director or Officer in charge or Station Engineer of the All India Radio Station.
4. The Wireless Transmitting Station of the Indian Radio and Cable Communications Company at Kirkee (protected place).	Local Resident Engineer of the Station.
5. The Wireless Receiving Station of the Indian Radio and Cable Communications Company at Dhond (protected place).	Local Resident Engineer of the Station.

[*Gazette of India*, 1939, Extraordinary, p. 263.]

*D. C. Dept., No. 232-O.R./7/39, dated the 14th September, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939,<sup>3</sup> the Central Government is pleased to direct that the powers and duties conferred and imposed on the

<sup>1</sup> Ins., D. C. Dept. Notfn. No. 784-O. R./41, dated the 19th April 1941.

<sup>2</sup> Subs., D. C. Dept. Notfn. No. 515-O. R./1/40, dated the 6th July, 1940.

<sup>3</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939), but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

Central Government by clauses (c), (e) and (f) of sub-rule (1) of rule 26, and by rules 53, 54, 58 and 59 of the Defence of India Rules shall, <sup>1</sup>[in the Dibrugarh Sub-division of the Lakhimpur District and in the Lakhimpur Frontier Tract], be exercised and discharged by the Deputy Commissioner of the said District under the condition that such exercise and discharge shall, in respect of clauses (c), (e) and (f) of sub-rule (1) of rule 26 of the said Rules, require the previous sanction of the Governor of Assam in his discretion.

[*Gazette of India, 1939, Extraordinary, p. 277.*]

*D. C. Dept., No. 237-O.R./1/39, dated the 26th September, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939,<sup>2</sup> the Central Government is pleased to direct that the powers conferred on it by rule 6 <sup>3</sup>[read with rule 7] of the Defence of India Rules, shall in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

### *Schedule.*

1

2

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- |   |                             |
|---|-----------------------------|
| 1. Chola Electric Power House,<br>G. I. P. Railway, declared<br>to be a protected place.      | Power House Superintendent. |
| 2. The Railway Workshops<br>and Stores at Samastipur,<br>declared to be a protected<br>place. | Controller of Stores.       |

[*Gazette of India, Extraordinary, 1939, p. 373.*]

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<sup>1</sup> Subs., D. C. Dept. Notfn. No. 252-O. R./1/39, dated the 7th May, 1940.

<sup>2</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939) but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

<sup>3</sup> Ins., D. C. Dept. Notfn. No. 256-O.R./1/39, dated the 11th December, 1939.

[Orders under Section 2 (4), Defence of India, Act, 1939.]

D. C. Dept., No. 251-O.R./39, dated the 14th October, 1939.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939,<sup>1</sup> the Central Government is pleased to direct that the powers conferred on the Central Government by rule 80 of the Defence of India Rules shall also be exercisable by the General Officer Commanding-in-Chief, Eastern Command, within the area comprised in that Command.

[Gazette of India, 1939, Extraordinary, p. 407.]

D. C. Dept., No. 218-O.R./39, dated the 4th November, 1939.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939,<sup>1</sup> the Central Government is pleased to direct that the powers or duties conferred or imposed upon the Central Government under the provisions of the Defence of India Rules specified in column 1 of the Schedule hereto annexed, shall be exercised or discharged to the extent, in the case of rule 61 of the said Rules, specified in the corresponding entry in column 3 of the said Schedule, by the authorities specified in the corresponding entry in column 2 of the said Schedule.

### Schedule.

Rule.	Authority.	Extent.
1	2	3
61	Director of Civil Aviation.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of aircraft.
	Chairman of the Commissioners for the Port of Calcutta.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft and maintained by the Commissioners for the Port of Calcutta.

<sup>1</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939), but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.



[Orders under Section 2 (4), *Defence of India Act*, 1939.]

*Schedule—contd.*

Rule.	Authority.	Extent.
1	2	3
	Chairman of the Commissioners for the Port of Chittagong.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft and maintained by the Commissioners for the Port of Chittagong.
	Chairman of the Board of Trustees of the Port of Karachi.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft and maintained by the Trustees of the Port of Karachi.
	Chairman of the Board of Trustees of the Port of Bombay.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping and maintained by the Trustees of the Port of Bombay.
	Chairman of the Board of Trustees of the Port of Madras.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping and maintained by the Trustees of the Port of Madras.
	<sup>1</sup> [Administrative Officer, Cochin Harbour].	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping and maintained by the <sup>1</sup> [Administrative officer, Cochin Harbour], within the boundaries of British India.
	Deputy Administrative Officer and Traffic Manager of the Port of Vizagapatam.	In respect of any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping and maintained by the Administrative officer, Vizagapatam Harbour Construction.
70 (1)	Director of Civil Aviation.	....
73 (1) (a).	Director of Civil Aviation.	....

[*Gazette of India*, 1939, Extraordinary, p. 457.]

<sup>1</sup> Subs., D. C. Dept. Notfn. No. 978-O. R./41, dated the 16th August 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 266-O.R./39, dated the 4th November, 1939.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Ordinance, 1939,<sup>1</sup> the Central Government is pleased to direct that the powers conferred upon it by rule 6 of the Defence of India Rules, read with rule 7 of the said Rules, shall, in respect of the Security Press, Nasik, which has been declared to be a protected place, be exercisable also by the Master, Security Printing, India.

[Gazette of India, 1939, Extraordinary. p. 459.]

Communications Dept., No. W.-10 (9), dated the 11th September, 1939.—In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance, 1939,<sup>1</sup> the Central Government is pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934), namely :—

- (i) any rules providing for the matters specified in clauses (d), (h), (i), (j), (k) or (l) of sub-section (2) of section 5 of the said Act.
- (ii) any orders made under sub-section (1) of section 6 of the said Act,
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5, 7, 8, 12, 12A, 13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136, and 137 in Part XIII of the Indian Aircraft Rules, 1937.

[Gazette of India, 1939. Pt. I. p. 1580.]

D. C. Dept., No. 253-O.R./39, dated the 14th November, 1939.—In exercise of the powers conferred by sub-section (3) of section 1 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to appoint 14th November, 1939, as the date on which the provisions of Chapter II and IV of the said Act shall come into force in the whole of British India.

[Gazette of India, 1939, Extraordinary. p. 467.]

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<sup>1</sup> Repealed by the Defence of India Act, 1939 (XXXV of 1939), but this Notification is kept alive by virtue of the provisions of s. 21 of the Act.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*D. C. Dept., No. 284-O.R./2/39, dated the 30th November, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939, the Central Government is pleased to direct that the powers conferred on it by rule 76 of the Defence of India Rules shall, within the area comprised in their respective commands or district, be exercisable also by General Officers Commanding-in-Chief, Commands, and by the Commander, Western (Independent) District.

[*Gazette of India, 1939, Extraordinary, p. 493.*]

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*Finance Dept., No. 7774-F., dated the 18th December, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 90A of the Defence of India Rules shall also be exercisable by the Reserve Bank of India.

[*Gazette of India, 1939, Extraordinary, p. 535.*]

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*D. C. Dept., No. 297-O.R./39, dated the 20th December, 1939.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules shall, in respect of the Karachi Dock Area, which has been declared to be a protected area, be exercisable also by the Fortress Commander, Karachi.

[*Gazette of India, 1939, Extraordinary, p. 537.*]

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*D. C. Dept., No. 1-O.R./40, dated the 5th January, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 6 in virtue of rule 7 of the Defence of India Rules shall, in respect of the lighthouses in India which have been declared to be protected places, be exercisable also by the Engineer-in-Chief, Lighthouse Department and by the Superintendents of Lighthouses at Madras, Bombay, Calcutta and Karachi.

[*Gazette of India, 1940, Extraordinary, p. 6.*]

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

D. C. Dept., No. 3-O.R./1/40, dated the 22nd January, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 in virtue of rule 7 of the Defence of India Rules shall, in respect of the Power House and the Power House Tank, Saidpur (Eastern Bengal Railway) being protected places, be exercisable also by the Managers in charge of these places.

[*Gazette of India, 1940, Pt. I, p. 103.*]

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Commerce Dept., No. 132-M. I. (War)/1A/40, dated the 10th February, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 66 of the Defence of India Rules shall be exercisable also by the Flag Officer Commanding and all commissioned officers of the Royal Indian Navy.

[*Gazette of India, 1940, Pt. I, p. 162.*]

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D. C. Dept., No. 346-O.R./40, dated the 20th February, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 84B of the Defence of India Rules shall be exercisable also by the Controller of Patents and Designs.

[*Gazette of India, 1940, Pt. I, p. 244.*]

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D. C. Dept., No. 5-O.R./1/40, dated the 22nd January, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 in virtue of rule 7 of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by

470 *Legislation and Orders relating to the War.*

[Orders under Section 2 (4), Defence of India Act 1939.]

the officers mentioned in the corresponding entry in column 2 of the said Schedule.

*Schedule.*

1.	2.
1. Lucknow Power House, East Indian Railway.	Divisional Superintendent, East Indian Railway, Lucknow.
2. Lucknow Goomti Pumping Station, East Indian Railway.	Ditto.
3. Jamalpur Water Works including the main reservoirs, East Indian Railway.	Deputy Chief Mechanical Engineer, East Indian Railway, Jamalpur.
4. Monghyr Pumping Station, East Indian Railway.	Ditto.
5. Moghalsarai Electric Power House, East Indian Railway.	Divisional Superintendent, East Indian Railway, Dinapore.
6. Barakar Pumping Station, East Indian Railway.	Divisional Superintendent, East Indian Railway, Asansol.
7. Chola Pump House, Great Indian Peninsula Railway.	Power House Superintendent.
8. Bhusawal Power House, Great Indian Peninsula Railway.	Ditto.
9. North Western Railway Power House, Sukkur.	Works Manager, North Western Railway Workshops, Sukkur.

[*Gazette of India*, 1940, Pt. I, p. 103.]

*D. C. Dept., No. 5-O.R./4/40, dated the 27th March, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6, in virtue of rule 7, of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

[Orders under Section 2 (4), Defence of India Act, 1939.]

*Schedule.*

1.	2.
1. Railway Electrical Shops, Saidpur, Eastern Bengal Railway.	[District Electrical Engineer, Eastern Bengal Railway.]
2. Railway Stores and Stores Yards, Saidpur, Eastern Bengal Railway.	District Controller of Stores, Eastern Bengal Railway.
3. Railway Electrical Power Houses and Shops, Kanchrapara, Eastern Bengal Railway.	District Electrical Engineer, Eastern Bengal Railway.
4. Railway Stores and Stores Yards, Kanchrapara, Eastern Bengal Railway.	District Controller of Stores, Eastern Bengal Railway.

[Gazette of India, 1940, Pt. I, p. 450.]

D. C. Dept., No. 5-O.R./6/40, dated the 11th April, 1940.—In exercise of the powers conferred by sub-section (4) of the section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 in virtue of rule 7 of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

*Schedule.*

1. Madras and Southern Mahratta Railway Water Works Reservoir, Deguwardihal.	District Engineer, Madras and Southern Mahratta Railway, Hubli.
2. Madras and Southern Mahratta Railway Pumping Station, Ahobalapur.	Ditto.
3. Madras and Southern Mahratta Railway High level Masonry Tank, Ahobalapur Hill.	Ditto.

[Gazette of India, 1940, Pt. I, p. 551.]

D. C. Dept. No. 218-O. R./39, dated the 17th May, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV

<sup>1</sup> Subs., D. C. Dept. Notfn. No. 5-O. R./5/40, dated the 13th September, 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

of 1939), the Central Government is pleased to direct that the powers conferred on it by rules <sup>1</sup>[6 (including rule 6 as having effect by virtue of rule 7), 9, 12, 49, 52, 57, 60 and 89] of the Defence of India Rules shall be exercisable also by the officers specified in the first column of the Schedule hereto annexed in respect of the areas specified in the corresponding entries in the second column of the said Schedule.

*Schedule.*

Officers.	Area.
Fortress Commander, Karachi	<p>The area comprised within the following boundaries :—</p> <p>(a) From Churma Island to the Southern shore of the <sup>1</sup>[mouth] of the Hab river and along the left bank of the Hab river to a point 4 miles North of the Band Murad Khan (Point X).</p> <p>(b) From Point X to the Malir river 4 miles N. E. of the water works at Dumlotte (Point Y).</p> <p>(c) A line from Point Y to mile 32 on the North Western Railway at Wateju, and thence a line in a south-westerly direction to the northern shore of the mouth of Pittahni Creek (Point Z).</p> <p>(d) From Point Z along the limit of territorial waters to Churma Island.</p>
Fortress Commander, Bombay	<p>The area comprised within the following boundaries :—</p> <p>(a) On the North the Bassein Creek.</p> <p>(b) On the East a line drawn North and South through a point 4 miles East of the easternmost point of Elephanta Island.</p> <p>(c) On the South a line drawn East and West through a point 7 miles south of Colaba Tower.</p> <p>(d) On the West the limit of territorial waters.</p>

<sup>1</sup>Subs., D. C. Dept. Notfn. No. 752-O. R./41, dated the 22nd March, 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

Schedule—contd.

Officers,	Area.
Fortress Commander, Madras	<p>The area comprised with in the following boundaries :—</p> <p>(a) On the North a line drawn East and West through the Northern end of the Ferry immediately North of Nettukuppam (9½ miles North of Madras Harbour).</p> <p><sup>1</sup>[(b) On the West, a line running North and South through Pattabiram Railway station on the Madras and Southern Mahratta Railway.</p> <p>(c) On the South, a line running East and West through Tambaram Railway station on the South Indian Railway.].</p> <p>(d) On the East, the limit of territorial waters.</p>
Fortress Commander, Cochin	<p>The area comprised within the boundaries of British Cochin.</p>
Fortress Commander, Calcutta	<p>The area comprised within the following boundaries :—</p> <p>(a) On the North, a line joining Bandel railway station (East Indian Railway) with Halishahar railway station (Eastern Bengal Railway).</p> <p>(b) On the East, a line joining Halishahar railway station with Port Canning, thence the East bank of the Matla River to the sea.</p> <p>(c) On the South :—The limit of territorial waters in the Bay of Bengal.</p> <p>(d) On the West :—A line from the sea produced through Contai to Kolaghat Station (B. N. Railway), thence a line to Bandel Station.</p>

<sup>1</sup> Subs., D. C. Dept. Notfn. No. 218-O. R./2/39, dated the 15th February, 1941.



[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*Schedule—contd.*

Officers.	Area.
2[Fortress Commander, Vizagapatam.	<p>The area comprised within the following boundaries :—</p> <p>(a) On the West and North the road (exclusive of the road itself) Anakapalle-Chittivalasa from the rail-road crossing North-East of Anakapalle to the road bridge at Chittivalasa, thence the left bank of the river Gostani to the harbour mouth at Bimlipatam.</p> <p>(b) On the East, the limit of territorial waters in the Bay of Bengal.</p> <p>(c) On the South, a line from Gangavaram to the rail-road crossing North-East of Anakapalle.]</p>

[*Gazette of India, 1940, Extraordinary, p. 171.*]

*D. C. Dept., No. 422-O.R./1/40, dated the 18th May, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 6 in virtue of rule 7 of the Defence of India Rules, shall, in respect of the Alexandra Dock, Bombay, which has been declared to be a protected place, be exercisable also by the Fortress Commander, Bombay.

[*Gazette of India, 1940, Extraordinary, p. 174.*]

*Commerce Dept., No. 501-Ind.-War (11)/40, dated 25th May, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the Notification of the Government of India in the Department of Commerce, No. 20, dated the 8th September, 1939, the Central Government is pleased to direct that the power conferred on it by clause (b) of sub-rule (2) of

<sup>1</sup> Added, D. C. Dept. Notfn. No. 752-O. R./41, dated the 22nd March, 1941.

<sup>2</sup> Subs., D. C. Dept. Notfn. No. 752-O. R./41, dated the 5th April, 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

rule 81 of the Defence of India Rules to provide by order for controlling the prices at which the articles specified in the Schedule annexed hereto may be sold otherwise than in a primary wholesale market, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (b) thereof, shall be exercisable also by any Provincial Government (including a Chief Commissioner) subject to the following conditions, namely :—

(1) The said powers shall, in respect of any imported articles other than salt, kerosene oil and medicines, be exercisable only with the previous sanction of the Central Government.

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

*Schedule.*

Grains, pulses and flour.

Gur.

Milk and ghee.

Vegetable oils.

Chillies, turmeric and onions.

Salt.

Dhuties, lungies, saris and shirtings of Indian manufacture, woven from yarn of counts not exceeding 20s. in the warp or the weft.

Kerosene oil.

Charcoal, steam coal and firewood.

Matches.

Medicines.

Household soap.

Fodder, bran, pollard and oilcakes.

[*Gazette of India*, 1940, Pt. I, p. 771.]

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D. C. Dept., No. 304-O.R./1/39, dated the 31st May, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 6 in virtue of rule 7 of the Defence of India Rules shall, in respect of

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

the Bulk Oil Installation of the Burmah-Shell Oil Storage and Distributing Co., Ltd., Wadi Bunder, Bombay, which has been declared to be a protected place, be exercisable also by the Fortress Commander, Bombay.

[*Gazette of India, 1940, Extraordinary, p. 211.*]

*D. C. Dept., No. 489-O.R./40, dated the 6th June, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 89 of the Defence of India Rules shall be exercisable also by any <sup>1</sup>[Commander of an Area] and any Officer Commanding a station.

[*Gazette of India, 1940, Extraordinary, p. 217.*]

*D. C. Dept., No. 491-O.R./1/40, dated the 8th June, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 in virtue of rule 7 of the Defence of India Rules, shall in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the Officers mentioned in the corresponding entry in column 2 of the said Schedule.

#### *Schedule.*

1	2
1. Graving or Dry Dock, Vizagapatam Harbour.	The Deputy Administrative Officer, Vizagapatam Harbour and the District Superintendent of Police, Vizagapatam.
2. Power Station and Port Workshop, Vizagapatam.	The Deputy Administrative Officer, Vizagapatam Harbour, the District Superintendent of Police, Vizagapatam, and Divisional Electrical Engineer in charge of the Power Station.

[*Gazette of India, 1940, Pt. I, p. 846.*]

<sup>1</sup>Subs., D. C. Dept., Notfn. No. 489-O. R./40, dated the 20th July, 1940.

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 251-O.R./39, dated the 12th June, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 80 of the Defence of India Rules shall be exercisable also by the Collector of the Poona District in the Bombay Province, within the limits of \* \* \* the said district.

[Gazette of India, 1940, Extraordinary, p. 238.]

D. C. Dept., No. 293-O.R./3/39, dated the 22nd June, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 6 in virtue of rule 7 of the Defence of India Rules shall, in respect of the Reservoir (0587) and the Water Catchment Area (069838), Nowshera, Peshawar District, which have been declared to be protected places, be exercisable also by the Commander, Nowshera Brigade.

[Gazette of India, 1940, Pt. I. p. 895.]

Commerce Dept., No. 501-Ind.-War (19)/40, dated the 29th June, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental, and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof, shall be exercisable also by any Provincial Government (including a Chief Commissioner) subject to the following conditions, namely :—

(1) The said powers shall be exercisable only in respect of the articles specified in the Schedule annexed to

<sup>1</sup> Words omitted, D. C. Dept. Notfn. No. 251-O. R./39, dated the 3rd October, 1940.

[Orders under Section 2 (4), Defence of India Act, 1939.]

the notification of the Government of India in the Department of Commerce,<sup>1</sup> No. 501-Ind.-War (11)/40, dated the 25th May, 1940.

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

[*Gazette of India*, 1940, Pt. I, p. 916.]

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D. C. Dept., No. 418-O.R./1/40, dated the 29th June, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 60A of the Defence of India Rules shall be exercisable also by the Flag Officer Commanding, Royal Indian Navy, and by any Naval Officer-in-Charge.

[*Gazette of India*, 1940, Pt. I, p. 938.]

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E. A. Dept., No. 14-W., dated the 3rd July, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939) as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, and in supersession of the notification of the Government of India in the External Affairs Department, No. 17-W., dated the 23rd September, 1939, the Central Government is pleased to direct that the powers conferred on it by clause (b) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the said areas, to provide by order for controlling the prices at which the articles specified in the Schedule annexed hereto may be sold otherwise than in a primary whole-sale market, and the powers conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (b) thereof, shall, in respect of the said areas, be exercisable also by the Agent to the Governor-General exercising jurisdiction in the said areas, subject to the following conditions, namely :—

(1) The said powers shall, in respect of any imported articles other than salt, kerosene oil and medicines, be exercisable only with the previous sanction of the Central Government.

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<sup>1</sup> *Supra*, p. 474.

[Orders under Section 2 (4), Defence of India Act, 1939.]

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

*Schedule.*

Grains, pulses and flour.

Gur.

Milk and ghee.

Vegetable oils.

Chillies, turmeric and onions.

Salt.

Dhuties, lungies, saris and shirtings of Indian manufacture, woven from yarn of counts not exceeding 20s. in the warp or the weft.

Kerosene oil.

Charcoal, steam coal and fire wood.

Matches.

Medicines.

Household soap.

Fodder, bran, pollard and oilcakes.

[*Gazette of India*, 1940, Extraordinary, p. 293.]

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*Defence Dept., No. 982, dated the 6th July, 1940.*—  
In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and sub-rule (1) of rule 60 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the Navigation Order, 1940.

2. Merchant vessels registered in British India wherever they may be, and Dominion merchant vessels when in the territorial waters of British India, shall comply with any sailing or routeing instructions which may from time to time be issued to them by the Senior Naval Officer at, or the Naval Officer-in-charge of, any port, or the Senior Naval Officer present on board any of His Majesty's ships, or any officer of the Naval Control Service.

3. In this Order, "Dominion merchant vessel" means a British merchant vessel registered in a Dominion, not

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

being a vessel which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom.

[*Gazette of India, 1940, Pt. I, p. 965.*]

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*D. C. Dept., No. 507-O.R./40, dated the 8th July, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 80 of the Defence of India Rules shall be exercisable also by the Collector of the Attock district in the Punjab within the limits of the said district.

[*Gazette of India, 1940, Extraordinary, p. 299.*]

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*E. A. Dept., No. 19-W., dated the 6th August, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to direct that the power conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to the said areas, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof, shall, in respect of the said areas, be exercisable also by the Agent to the Governor-General exercising jurisdiction in the said areas subject to the following conditions, namely :—

(1) The said powers shall be exercisable only in respect of the articles specified in the Schedule annexed to the notification of the Government of India in the External Affairs Department, <sup>1</sup>No. 14-W., dated the 3rd July, 1940.

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<sup>1</sup> *Supra*, p. 478.

[Orders under Section 2 (4), Defence of India Act, 1939.]

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

[Gazette of India, 1940, Extraordinary, p. 465.]

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D. C. Dept., No. 482-O.R./1/40, dated the 10th August, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules shall, in respect of the Sialkot Cantonment, be exercisable also by the Officer Commanding, Sialkot.

[Gazette of India, 1940, Pt. I, p. 1182.]

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D. C. Dept., No. 384-O.R./1/40, dated the 14th September, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 in virtue of rule 7 of the Defence of India Rules, shall, in respect of the place specified in column 1 of the Schedule hereto annexed, being a protected place, be exercisable also by the officer mentioned in the corresponding entry in column 2 of the said Schedule.

*Schedule.*

1	2
1. Carnac Bunder Engine House, Bombay.	The Chief Engineer, Bombay Port Trust.

[Gazette of India, 1940, Pt. I, p. 1333.]

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D. C. Dept., No. 539-O.R./1/40, dated the 21st September, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules, shall, in respect of the Kirkee Ordnance Estate and surrounding country, which has been declared to be a protected area, be exercisable also by the Superintendent, Ammunition Factory, Kirkee.

[Gazette of India, 1940, Pt. I, p. 1365.]



[Orders under Section 2 (4), Defence of India Act, 1939.]

*D. C. Dept., No. 571-O.R./40, dated the 28th September, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 of the Defence of India Rules, shall be exercisable also by the Collector of the Ahmednagar district in the Bombay Province within the limits of the said district.

[*Gazette of India*, 1940, Pt. I, p. 1417.]

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*D. C. Dept., No. 571-O.R./40, dated the 1st October, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939, (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 of the Defence of India Rules shall, within the limits of the Karachi District in the Province of Sind, be exercisable also by the Collector of the said District.

[*Gazette of India*, 1940, Extraordinary, p. 608.]

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*E. A. Dept., No. 22-W., dated the 2nd October, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to direct that the following powers under the Defence of India Rules, as applied to the said areas, shall in those areas, be exercisable also by the Controller of Enemy Firms for the said areas, namely :—

- (i) the power, under rule 105, of appointing Deputy Controllers and Inspectors of Enemy Firms, and of providing for the distribution and allocation of the work to be performed by them, and
- (ii) all powers under rules 110 and 111.

[*Gazette of India*, 1940, Pt. I, p. 1422.]

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*D. C. Dept., No. 593-O. R./40, dated the 2nd November, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India

[Orders under Section 2 (4), Defence of India Act, 1939.]

Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 79 of the Defence of India Rules, shall, within the limits of the Rawalpindi District in the Province of the Punjab, be exercisable also by the Collector of the said District.

[Gazette of India, 1940, Pt. I, p. 1540.]

D. C. Dept., No. 384-O. R./1/40, dated the 9th November, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 (or, or as the case may be, by rule 6 read with rule 7) of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

### Schedule.

1	2
1. The Kistna Railway Bridge, Madras and Southern Mahratta Railway.	District Engineer, Madras and Southern Mahratta Railway, Belgaum.
2. The Ghataprabha Railway Bridge, Madras and Southern Mahratta Railway.	District Engineer, Madras and Southern Mahratta Railway, Belgaum.
3. The Wardha Railway Bridge, Madras and Southern Mahratta Railway.	District Engineer, Madras and Southern Mahratta Railway, Hubli.
4. The Tungabhadra Railway Bridge, Madras and Southern Mahratta Railway, between Munirabad and Hospet.	District Engineer, Madras and Southern Mahratta Railway, Bellary.

[Gazette of India, 1940, Pt. I, p. 1568.]

D. C. Dept., No. 595-O. R./40, dated the 9th November, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 of the Defence of India Rules shall be

[Orders under Section 2 (4), Defence of India Act, 1939.]

exercisable also by the Collector of the Jubbulpore District in the Central Provinces and Berar within the limits of the said district.

[*Gazette of India*, 1940, Pt. I, p. 1569.]

*D. C. Dept., No. 601-O. R./40, dated the 21st November, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Nasik District in the Province of Bombay within the limits of the said district.

[*Gazette of India*, 1940, Extraordinary, p. 652.]

*D. C. Dept., No. 604-O. R./1/40, dated the 21st November, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 read with rule 7 of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

### *Schedule.*

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|---|---|
| 1. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bally, District Hooghly.                                | Commander, Calcutta Area and District Magistrate-Hooghly.                               |
| 2. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Fules-war, District Howrah.                             | Commander, Calcutta Area and District Magistrate, Howrah.                               |
| 3. Magazine of the Anglo-Thai Corpora-tion, Ltd. (Ewart Latham Branch), Island of Trombay, Bom-bay Suburban District. | District Superintendent of Police, Bombay Suburban District.                            |
| 4. Magazine belonging to Messrs. Best & Co., Ltd., Avadi, Chingleput District.  | Manager of Magazine.  |
| 5. Magazine belonging to Messrs. Best & Co., Ltd., Siddhapuram, Nellore District.                                     | Do.   |
| 6. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bermo, District Hazaribagh.                             | Deputy Commissioner, Super-intendent of Police and Sub-Divisional Officer, Ha-zaribagh. |

[Orders under Section 2 (4), Defence of India Act, 1939.]

Schedule—contd.

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|--|---|
| 7. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Mouza Pauredea, Par ana Khurdesha, District Hazaribagh.              | Deputy Commissioner, Superintendent of Police and Sub-Divisional Officer, Hazaribagh. |
| 8. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Village Kodarma, District Hazaribagh.                                | Ditto.  |
| 9. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Gond-hoodi, District Manbhum.  | Additional Deputy Commis-sioner and Additional Superintendent of Police, Dhanbad.     |
| 10. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bhagat-dih, District Manbhum.                                       | Ditto.  |
| 11. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Barakar, District Manbhum.  | Ditto.  |
| 12. Floating Magazine belonging to the Trustees of the Port of Karachi.  | Commander, Sind Area..  |
| 13. Magazine belonging to Messrs. Anglo-Thai Corporation. Ltd., Ghizree, Karachi.  | Ditto.  |
| 14. Magazine belonging to Messrs. Shaw Wallace & Co., 4, Bankshall Street, Calcutta, situated at Chandematta, District Chhindwara. | General Manager, Messrs. Shaw Wallace & Co., Calcutta.                                |
| 15. Installation of Messrs. Burmah Shell Co., Tondiarpet, Madras.  | Installation Manager.   |
| 16. Installations of Messrs. Burmah Shell Co., Royapuram, Madras.  | Do.   |
| 17. Installations of Messrs. Standard Vacuum Oil Co., Casimode, Royapuram, Madras.   | Do.   |
| 18. Installations of Messrs. Standard Vacuum Oil Co., Harbour, Royapuram, Madras.  | Do.   |
| 19. Installation of Messrs. Western India Oil Distributing Co., Casimode, Royapuram, Madras.                                       | Do.   |
| 20. Installation of Messrs. Caltex (India), Ltd., Tondiarpet, Madras.  | Do.   |
| 21. Installation of Messrs. Mills Store Co., King George's Dock, Calcutta.   | Commander, Calcutta Area and Commissioner of Police, Calcutta.                        |
| 22. Installation of Messrs. Western India Oil Distributin; Company, Kidderpore, Calcutta.  | Ditto.  |

[Gazette of India, 1940, Extraordinary, p. 655.]

D. C. Dept., No. 604-O. R./2/40, dated the 21st November, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules, shall, in respect of the

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

*Schedule.*

1. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bally, District Hooghly.	Commander, Calcutta Area and District Magistrate, Hooghly.
2. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Fules-war, District Howrah.	Commander, Calcutta Area and District Magistrate Howrah.
3. Magazine of the Anglo-Thai Corpora-tion, Ltd. (Ewart Latham Branch), Island of Trombay, Bombay Su-burban District.	District Superintendent of Police, Bombay Suburban District.
4. Magazine belonging to Messrs. Best & Co., Limited, Avadi, Chingleput District.	Government of Madras.
5. Magazine belonging to Messrs. Best & Co. Ltd., Siddhapuram, Nellore District.	Ditto.
6. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bermo, District Hazaribagh.	Deputy Commissioner, Hazaribagh.
7. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Mouza Pauredea, Pargana Khurdesha, District Hazaribagh.	Ditto.
8. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Village Kodarma, District Hazaribagh.	Ditto.
9. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Gondh-hoodi, District Manbhum.	Additional Deputy Commis-sioner, Dhanbad.
10. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Bhagat-dih, District Manbhum.	Ditto.
11. Magazine belonging to Messrs. Gil-landers Arbuthnot & Co., Barakar, District Manbhum.	Ditto.
12. Magazine belonging to the Trustees of the Port of Karachi, Floating magazine.	Commander, Sind Area.
13. Magazine belonging to Messrs. Anglo-Thai Corporation Ltd., Ghizree, Karachi.	Ditto.
14. Magazine belonging to Messrs. Shaw Wallace & Co., 4 Bankshall Street, Calcutta, situated at Chandematta, District Chhindwara.	District Magistrate, Chhind-wara.
15. Installation of Messrs. Mills Store Co., Calcutta. King George's Dock, Calcutta.	Commander, Calcutta Area and Commissioner of Po-lice, Calcutta.
16. Installation of Messrs. Western India Oil Distributing Company, Calcutta, Kidderpore, Calcutta.	Ditto.

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 327-O. R./40, dated the 23rd November, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the notifications of the Government of India in the Defence Co-ordination Department, No. 327-O. R./40, dated the 13th July, 1940 and No. 327-O. R./1/40, dated the 17th July, 1940, the Central Government is pleased to direct that the powers conferred upon it by clause (a) of sub-rule (1) of rule 52 of the Defence of India Rules shall, in any military or airforce station, be exercisable also by the Officer Commanding the station.

[Gazette of India, 1940, Pt. I, p. 1661.]

D. C. Dept., No. 327-O. R./1/40, dated the 23rd November, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, and in supersession of the notification of the Government of India in the Defence Co-ordination Department, No. 327-O. R./40, dated the 17th July, 1940, the Central Government is pleased to direct that the powers conferred upon it by clause (a) of sub-rule (1) of rule 52 of the Defence of India Rules shall, in any military or airforce station within the said areas, be exercisable also by the Officer Commanding the station.

[Gazette of India, 1940, Pt. I, p. 1661.]

D. C. Dept., No. 617-O. R./40, dated the 4th December, 1940.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 83 of the Defence of India Rules shall, in respect of fire-arms and ammunition, be exercisable also—

(a) by any Provincial Government; and

(b) subject to the control of the Provincial Government, by any District Magistrate or Commissioner of Police.

[Gazette of India, 1940, Extraordinary, p. 671.]

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*Labour Dept., No. M.-862 (2), dated the 16th December, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the notification of the Government of India in the Defence Co-ordination Department, No. 287-O. R./39, dated the 16th December, 1939, the Central Government is pleased to direct that the powers conferred on it by sub-rule (2) of rule 88 of the Defence of India Rules shall, in respect of the loading, unloading, handling, storage or conveyance of <sup>1</sup>[ammunition, explosives, petroleum or other inflammable substance] to which the declaration contained in the notification of the Government of India in the Department of Labour, <sup>2</sup>No. M.-862 (1), dated the 16th December, 1940, applies, be exercisable also by any Naval or Military Officer authorised for the purposes of that declaration by the Flag Officer Commanding, Royal Indian Navy or the Chief of the General Staff.

[*Gazette of India, 1940, Extraordinary, p. 768.*]

*D. C. Dept., No. 584-O. R./1/40, dated the 21st December, 1940.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6, read with rule 7 of the Defence of India Rules, shall, in respect of the Attock Oil Company's pipe line from Morgah in the Rawalpindi District to Dhulian in the Attock District, being a protected place, be exercisable also by the Superintendents of Police, Rawalpindi and Attock Districts, within their respective jurisdictions, and by the General Manager of the Attock Oil Company.

[*Gazette of India, 1940, Pt. I, p. 1771.*]

*D. C. Dept., No. 633-O. R./40, dated the 4th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the power conferred on it by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules <sup>3</sup> \* \* \* , and the power conferred on it

<sup>1</sup> Subs., Labour Dept. Notfn. No. M.-862 (2), dated the 27th March, 1941.

<sup>2</sup> *Supra*, p. 411.

<sup>3</sup> Words omitted, D. C. Dept., Notfn. No. 633-O. R. /40, dated the 16th August, 1941.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (bb) thereof, shall, within the limits of—

(a) the Civil Lines, Rawalpindi, and

(b) the Murree Municipality,

be exercisable also by the Provincial Government of the Punjab.

[*Gazette of India, 1941, Pt. I, p. 24.*]

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*E. A. Dept., No. 4-W., dated the 15th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to the tribal areas beyond the western and northern boundaries of the North-West Frontier Province, the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules, shall, in respect of the whole area known as “the Khyber” declared to be a protected area, be exercisable also by the Brigade Commander, Landikotal Brigade Area, and the Political Agent, Khyber.

[*Gazette of India, 1941, Pt. I, p. 88.*]

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*Commerce Dept., No. 501-Ind.-War (11)/40, dated the 21st January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the power conferred on it by clause (b) of sub-rule (2) of rule 81 of the Defence of India Rules to provide by order for controlling the prices or rates at which articles or things may be sold or hired, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (b) thereof, shall, in respect of *kolhus* and boiling pans used in the manufacture of *gur* and *rāb*, be exercisable also by any Provincial Government (including a Chief Commissioner).

[*Gazette of India, 1941, Extraordinary, p. 69.*]



[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*Defence Dept., No. 142, dated the 25th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 83 of the Defence of India Rules shall, in respect of mechanically propelled vehicles, be exercisable also by the Provincial Governments of Madras, Bombay, United Provinces, the Punjab, the Central Provinces and Berar. Sind and the Chief Commissioner, Delhi.

[*Gazette of India, 1941, Pt. I, p. 139.*]

*D. C. Dept., No. 633-O. R./40, dated the 25th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the power conferred on it by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules <sup>1</sup>\* \* \* and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (bb) thereof, shall, in respect of the urban area comprised in the Jubbulpore Municipality and Cantonment, be exercisable also by the Provincial Government of the Central Provinces and Berar.

[*Gazette of India, 1941, Pt. I, p. 141.*]

*D. C. Dept., No. 490-O. R./1/41, dated the 25th January, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6, read with rule 7, and by rule 9 of the Defence of India Rules, shall, in respect of the places specified in the Schedule hereto annexed, being protected places, be exercisable also by the Superintendent of Lighthouses, Bombay.

#### *Schedule.*

1. Gogha light, Ahmedabad.
2. Bulsar Khari light (Kosamba), Surat.

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<sup>1</sup> Words omitted, D. C. Dept., Notfn. No. 633-O. R./43, dated the 16th August, 1941.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*Schedule—contd.*

3. Harnai Fromontory light, Ratnagiri.
4. Ratnagiri light (Southern bastion of old Fort), Ratnagiri.
5. Deogarh light (North-West bastion of Fort), Ratnagiri.
6. Karwar Port light, North Kanara.
7. Kumta Point light, North Kanara.
8. Bhatkal light, North Kanara.

[*Gazette of India, 1941, Pt. I, p. 141.*]

*D. C. Dept., No. 484-O. R./1/40, dated the 1st February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the notification of the Government of India in the Defence Co-ordination Department, No. 270-O. R./39, dated the 9th November, 1939, the Central Government is pleased to direct that the powers conferred on it by rule 69 of the Defence of India Rules shall be exercisable also by the Naval Officer-in-Charge at the ports of Madras, Bombay, Calcutta, Cochin <sup>1</sup> [, Karachi and Vizagapatam], and the Nautical Surveyor, Chittagong, within the limits of their respective ports.

[*Gazette of India, 1941, Pt. I, p. 174.*]

*D. C. Dept., No. 548-O. R./1/40, dated the 8th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 read with rule 7 of the Defence of India Rules, shall, in respect of the Military Engineer Services, Electric Power Station, Hunter Road, Ahmednagar and the Military Engineer Services Electric Pumping Station, Kapurwadi, Ahmednagar, being protected places, be exercisable also by the Officer Commanding, Ahmednagar.

[*Gazette of India, 1941, Pt. I, p. 197.*]

<sup>1</sup> Subs., D. C. Dept. Notfn. N 484-O. R.-C0, dated the 17th May, 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

*Supply Dept., No. 35, dated the 8th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct—

(1) that the powers conferred on it by clauses (c), (d), (e) and (f) of sub-rule (2) of rule 81 of the Defence of India Rules shall, in respect of any undertaking in which electrical energy is used or which is engaged in the generation or supply of electrical energy, be exercisable also by the Electrical Commissioner with the Government of India;

(2) that the powers conferred on it by sub-rule (1) of rule 83 of the said Rules shall, in respect of any article or thing in the possession of any undertaking engaged in the generation or supply of electrical energy, be exercisable also by the said Electrical Commissioner.

[*Gazette of India, 1941, Extraordinary, p. 114.*]

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*D. C., Dept., No. 713-O. R./1/41, dated the 15th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 51C of the Defence of India Rules shall be exercisable also by the Chief Inspector of Explosives in India.

[*Gazette of India, 1941, Extraordinary, p. 118.*]

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*Supply Dept., No. 47, dated the 19th February, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939) the Central Government is pleased to direct that the powers conferred upon it by rule 83 of the Defence of India Rules shall, in respect of timber, be exercisable also by any Provincial Government, subject to the following conditions, namely:—

(a) that the said powers shall be exercised only in respect of timber the supply of which has been ordered by the Central Government; and

[Orders under Section 2 (4), Defence of India Act, 1939.]

(b) that the prices paid under sub-rule (3) of the said rule shall not exceed the prices intimated as suitable by the Central Government from time to time.

[Gazette of India, 1941, Pt. I., p. 320.]

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D. C. Dept., No. 651-O. R./41, dated the 22nd February, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by sub-rule (3a) of rule 72 of the Defence of India Rules shall be exercisable also by the Director of Civil Aviation.

[Gazette, of India, 1941, Pt. I., p. 320.]

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D. C. Dept., No. 667-O. R./41, dated the 1st March, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 76 and rule 79 of the Defence of India Rules shall, in respect of the Nilgiri District, be exercisable also by the Collector of the said district.

[Gazette of India, 1941, Pt. I., p. 348.]

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D. C. Dept., No. 727-O. R./41, dated the 4th March, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rules 79 and 80 of the Defence of India Rules shall, within the limits of the Vizagapatam District, be exercisable also by the District Magistrate of the said district.

[Gazette of India, 1941, Extraordinary, p. 144.]

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D. C. Dept., No. 661-O. R./41, dated the 8th March, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6 and by rule 9 of the Defence of India Rules, shall, in respect of the Prisoners of War Camp at Ramgarh, being a prohibited place, be exercisable also by the Commandant of the said Camp.

[*Gazette of India, 1941, Pt. I., p. 368.*]

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D. C. Dept., No. 713-O. R./41, dated the 22nd March, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 51-C of the Defence of India Rules shall, in respect of any factory engaged in the generation or supply of electrical energy, be exercisable also by the Electrical Commissioner with the Government of India.

[*Gazette of India, 1941, Pt. I., p. 431.*]

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D. C. Dept., No. 754-O. R./41, dated the 25th March, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 78 and rule 127 of the Defence of India Rules shall be exercisable also by the Deputy Commissioner, Raipur, within the limits of the District of Raipur in the Central Provinces.

[*Gazette of India, 1941, Extraordinary, p. 197.*]

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Supply Dept., No. 119, dated the 5th April, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939, (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by clauses (a) and (f) of sub-rule (2) of rule 81 of the Defence of India Rules shall in respect of electrical energy be exercisable also by the Electrical Commissioner with the Government of India.

[*Gazette of India, 1941, Extraordinary, p. 220.*]

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 771-O. R./41, dated the 12th April, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Chingleput District in the Madras Province, within the limits of the said District.

[Gazette of India, 1941, Pt. I, p. 535.]

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D. C. Dept., No. 777-O. R./41, dated the 19th April, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Saugor District in the Central Provinces within the limits of the said District.

[Gazette of India, 1941, Pt. I, p. 589.]

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D. C. Dept., No. 782-O. R./41, dated the 19th April, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of Madras.

[Gazette of India, 1941, Pt. I, p. 589.]

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D. C. Dept., No. 768-O. R./41, dated the 3rd May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Burdwan District in the Province of Bengal, within the limits of the said district

[Gazette of India, 1941, Pt. I, p. 657.]

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*D. C. Dept., No. 800-O. R./41, dated the 3rd May, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of Bombay and by the Municipal Commissioner, Bombay.

[*Gazette of India, 1941, Extraordinary, p. 267.*]

*D. C. Dept., No. 777-O. R./41, dated the 10th May, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 78 and 127 of the Defence of India Rules shall be exercisable also by the Collector of the Saugor District in the Central Provinces within the limits of the said District.

[*Gazette of India, 1941, Pt. I, p. 705.*]

*D. C. Dept., No. 805-O. R./41, dated the 10th May, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Bara Banki district in the United Provinces within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 705.*]

*D. C. Dept., No. 806-O. R./41, dated the 10th May, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Kangra District in the Province of the Punjab within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 705.*]

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

D. C. Dept., No. 810-O. R./41, dated the 10th May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 80 of the Defence of India Rules shall be exercisable also by the Collector of the Bombay Suburban District in the Bombay Province, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 705.*]

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D. C. Dept., No. 815-O. R./41, dated the 10th May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 76 of the Defence of India Rules shall be exercisable also by the Collector of the Jubbulpore district in the Central Provinces and Berar, within the limits of the said district.

[*Gazette of India, Extraordinary, p. 277.*]

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D. C. Dept., No. 828-O. R./41, dated the 24th May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Bareilly district in the United Provinces, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 771.*]

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D. C. Dept., No. 829-O. R./41, dated the 24th May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Peshawar district in the North-West Frontier Province, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 771.*]



[*Orders under Section 2 (4), Defence of India Act, 1939.*]

D. C. Dept., No. 834-O. R./41, dated the 24th May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 76 of the Defence of India Rules shall be exercisable also by the Collector of the Saharanpur district in the United Provinces, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 771.*]

D. C. Dept., No. 633-O. R./40, dated the 31st May, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules <sup>1\*</sup> \* \* \* \*, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (bb) thereof, shall, within the limits of—

- (a) the Rawalpindi Cantonment;
- (b) the Murree Cantonment; and
- (c) the Campbellpur Cantonment and Municipal Area;

be exercisable also by the Provincial Government of the Punjab.

[*Gazette of India, 1941. Pt. I, p. 793.*]

D. C. Dept., No. 817-O. R./2/41, dated the 7th June, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 88A of the Defence of India Rules shall be exercisable also by any Provincial Government, in respect of any vehicle or class of vehicles engaged in such work as may be specified by the Provincial Government in exercise of the said powers, and of the driver or person in charge of any such vehicle.

[*Gazette of India, 1941, Pt. I, p. 827.*]

<sup>1</sup> Words omitted, D. C. Dept. Notfn. No. 633-O. R.1/40, dated the 16th August 1941.

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*D. C. Dept., No. 847-O. R./41, dated the 7th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 83 of the Defence of India Rules shall, in respect of building materials, be exercisable also by the Government of the United Provinces.

[*Gazette of India, 1941, Pt. I, p. 827.*]

*D. C. Dept., No. 850-O. R./41, dated the 14th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 80 of the Defence of India Rules shall be exercisable also by the Deputy Commissioner of the Nagpur district in the Central Provinces within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 862.*]

*D. C. Dept., No. 859-O. R./41, dated the 14th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 79 of the Defence of India Rules shall be exercisable also by the Collector of the Ambala district in the Punjab within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 862.*]

*D. C. Dept., No. 884-O. R./41, dated the 21st June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by sub-rule (1) of rule 55 of the Defence of India Rules shall, in respect of any premises used for producing, treating, handling or keeping petroleum or any other substance to which any of the provisions of the Petroleum Act, 1934 (XXX of 1934), apply, or may be applied, be exercisable also by any Provincial Government.

[*Gazette of India, 1941, Pt. I, p. 896.*]

[*Orders under Section 2 (4), Defence of India Act, 1939.*]

*D. C. Dept., No. 889-O. R./41, dated the 28th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 79 of the Defence of India Rules shall be exercisable also by the Collector of the Balasore district in the Province of Orissa, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 934.*]

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*D. C. Dept., No. 897-O. R./41, dated the 28th June, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 of the Defence of India Rules shall be exercisable also by the Collector of the Attock district in the Punjab within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 934.*]

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*D. C. Dept., No. 768-O. R./41, dated the 5th July, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 78 of the Defence of India Rules shall be exercisable also by the Collector of the Burdwan district in the Province of Bengal, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 959.*]

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*D. C. Dept., No. 913-O. R./41, dated the 5th July, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 51C of the Defence of India Rules, shall, in respect of any factory, be exercisable also by the Government of the Province in which the factory is situate.

[*Gazette of India, 1941, Pt. I, p. 959.*]

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 915-O. R./41, dated the 5th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by clauses (d) and (e) of sub-rule (2) of rule 81 of the Defence of India Rules, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (d) or clause (e) thereof, shall be exercisable also by any Director General or Deputy Director General in the Department of Supply, any Chief Controller of Purchase, or any officer of the Supply Finance Branch, including a Cost Accounts Officer and an Assistant Cost Accounts Officer.

[Gazette of India, 1941, Pt. I, p. 959.]

Supply Dept., No. 284, dated the 5th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by sub-rule (3a) of rule 83 of the Defence of India Rules shall within their respective Circles be exercisable also by—

The Controller of Supplies, Bengal Circle.  
The Controller of Supplies, Bombay Circle.  
The Controller of Supplies, Punjab Circle.  
The Controller of Supplies, Sind Circle.  
The Controller of Supplies, South India Circle.  
The Controller of Supplies, United Provinces Circle.

[Gazette of India, 1941, Pt. I, p. 995.]

D. C. Dept., No. 251-O. R./39, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 of the Defence of India Rules shall be exercisable also by the Collector of the Poona district in the Bombay Province, within the limits of the said district.

[Gazette of India, 1941, Pt. I, p. 992.]

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 380-O. R./1/40, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6, read with rule 7 of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

*Schedule.*

1	2
1. The Electric Sub-station, Grant Road.	Chief Electrical Engineer, Bombay, Baroda and Central India Railway.
2. The Electric Sub-station, Bandra.	Ditto.
3. The Electric Sub-station, Kandivli.	Ditto.
4. The Electric Sub-station, Bassein Road.	Ditto.
5. Water Works and Filtration Plant, Freelandganj.	Executive Engineer, Bombay Baroda and Central India Railway, Ratlam.
6. Kali Dam Water Supply Works, Dohad.	Ditto.
7. Wanki Water Supply and Filter House, Bulsar.	Executive Engineer, Bombay, Baroda and Central India Railway, Bulsar.
8. Railway Power House and Electrical Workshop, Ajmer.	Divisional Electrical Engineer Bombay, Baroda and Central India Railway, Ajmer.
9. The South Bassein Railway Bridge.	Executive Engineer, Bombay, Baroda and Central India Railway, Bombay.
10. The North Bassein Railway Bridge.	Ditto.
11. The Silver Jubilee Railway Bridge.	Executive Engineer, Bombay, Baroda and Central India Railway, Baroda.

[Gazette of India, 1941, Pt. I, p. 992.]

D. C. Dept., No. 806-O. R./41, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is

[Orders under Section 2 (4), Defence of India Act, 1939.]

pleased to direct that the powers conferred on it by rule 78 of the Defence of India Rules shall be exercisable also by the Collector of the Kangra district in the Province of the Punjab, within the limits of the said district.

[Gazette of India, 1941, Pt. I, p. 993.]

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D. C. Dept., No. 922-O. R./1/41, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 6, read with rule 7, and by rule 9 of the Defence of India Rules, shall, in respect of the places specified in column 1 of the Schedule hereto annexed, being protected places, be exercisable also by the officers mentioned in the corresponding entry in column 2 of the said Schedule.

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*Schedule.*

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|---|---------------------------------|
| 1. Oil-storage installation of Messrs. Standard Vacuum Oil Company, Bombay. | Commissioner of Police, Bombay. |
| 2. Oil-storage installation of Messrs. Caltex (India) Limited, Bombay.      | Commissioner of Police, Bombay. |

[Gazette of India, 1941, Pt. I, p. 993.]

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D. C. Dept., No. 926-O. R./41, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Deputy Commissioner of the Lahore district in the Punjab, within the limits of the said district.

[Gazette of India, 1941, Pt. I, p. 993.]

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 930-O. R./41, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 60 of the Defence of India Rules shall be exercisable also by the Naval Officers-in-Charge at the ports of Madras, Bombay, Calcutta, Karachi, Vizagapatam and Cochin, 1\* \* \* \*

[*Gazette of India*, 1941, Pt. I, p. 993.]

D. C. Dept., No. 932-O. R./41, dated the 12th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 76 and 79 of the Defence of India Rules shall be exercisable also by the Collector of the Thana district in the Bombay Presidency within the limits of the said district.

[*Gazette of India*, 1941, Pt. I, p. 993.]

D. C. Dept., No. 595-O. R./40, dated the 26th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 78 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Jubbulpore district in the Central Provinces and Berar within the limits of the said district.

[*Gazette of India*, 1941, Pt. I, p. 1070.]

D. C. Dept., No. 949-O. R./41, dated the 26th July, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the power conferred on it by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules 2\* \* \* \*, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which

<sup>1</sup> Words omitted, D. C. Dept., Notfn. No. 930-O. R./41, dated the 4th October 1941.

<sup>2</sup> Words omitted, D. C. Dept. Notfn. No. 949-O. R./41, dated the 9th August 1941.

[Orders under Section 2 (4), Defence of India Act, 1939.]

it is expedient to provide for the purposes of an order made under clause (bb) thereof, shall be exercisable also by the Provincial Government of Madras.

[Gazette of India, 1941, Pt. I, p. 1070.]

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D. C. Dept., No. 839-O. R./1/41, dated the 2nd August, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939) the Central Government is pleased to direct that the powers conferred on it by rule 9 of the Defence of India Rules shall, in respect of the Dinjan Aerodrome, which has been declared to be a protected area, be exercisable also by the Superintendent of Police, Lakhimpur district, or the Military Officer Commanding the Area.

[Gazette of India, 1941, Pt. I, p. 1122.]

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D. C. Dept., No. 955-O. R./41, dated the 2nd August, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the Cawnpore district in the United Provinces, within the limits of the said district.

[Gazette of India, 1941, Pt. I, p. 1122.]

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D. C. Dept., No. 806-O. R./41, dated the 9th August, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939) the Central Government is pleased to direct that the powers conferred on it by rule 76 of the Defence of India Rules shall be exercisable also by the Collector of the Kangra district in the Punjab, within the limits of the said district.

[Gazette of India, 1941, Pt. I, p. 1151.]

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D. C. Dept., No. 980-O. R. /41, dated the 16th August, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by



[*Orders under Section 2 (4), Defence of India Act, 1939.*]

clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, and by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (bb) thereof, shall, in respect of Naini Tal Cantonment and Municipal Area, be exercisable also by the Provincial Government of the United Provinces.

[*Gazette of India, 1941, Pt. I, p. 1182.*]

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*D. C. Dept., No. 1042-O. R./41, dated the 20th September, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 79 and 80 of the Defence of India Rules shall be exercisable also by the Collector of the 24-Parganas district in the Province of Bengal, within the limits of the said district.

[*Gazette of India, 1941, Pt. I, p. 1371.*]

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*D. C. Dept., No. 596-O. R./40, dated the 27th September, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by clause (c) of sub-rule (1) of rule 49 of the Defence of India Rules shall be exercisable also by District Commanders and Area Commanders within their respective jurisdictions.

[*Gazette of India, 1941, Pt. I, p. 1405.*]

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*D. C. Dept., No. 754-O. R./41, dated the 27th September, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 79 and rule 80 of the Defence of India Rules shall be exercisable also by the Deputy Commissioner, Raipur, within the limits of the district of Raipur in the Central Provinces.

[*Gazette of India, 1941, Pt. I, p. 1405.*]

[Orders under Section 2 (4), Defence of India Act, 1939.]

D. C. Dept., No. 1046-O. R./41, dated the 27th September, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by sub-rule (1) of rule 12, sub-rule (1) of rule 49, rules 50, 51B, 52, 76, 78, 79 and 89 of the Defence of India Rules shall in respect of British Cochin, be exercisable also by the Administrative Officer, Cochin Harbour.

[Gazette of India, 1941, Pt. I, p. 1405.]

D. C. Dept., No. 824-O. R./41, dated the 4th October, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 12, 76, 78, 79, 80 and 127 of the Defence of India Rules shall be exercisable also by all Collectors within the limits of their respective jurisdictions.

[Gazette of India, 1941, Pt. I, p. 1450.]

Supply Dept., No. 643, dated the 5th November, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the notification of the Government of India, in the Department of Supply, No. 40, dated the 15th February, 1941, the Central Government is pleased to direct that the powers conferred upon it—

- (a) by sub-rule (2) of rule 81 of the Defence of India Rules to provide for controlling the prices at which articles may be sold and for any matters incidental and supplementary thereto; and
- (b) by rule 83 of the said Rules to requisition any article, to make further orders in connection with the requisitioning, to dispose of and use any requisitioned article, to require information relating to any article or to prohibit the disposal of any article;

[Orders under Section 2 (4), Defence of India Act, 1939.]

shall be exercisable also by any officer who is appointed to exercise the powers of the Machine Tool Controller under the <sup>1</sup>Machine Tool Control Order, 1941, in respect of any article which is a Scheduled Machine Tool for the purposes of the said Order.

[*Gazette of India*, 1941, Pt. I, p. 1645.]

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*D. C. Dept., No. 1115-O. R./41, dated the 6th December, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 28 of the Defence of India Rules, shall, in respect of the Prisoners of War Camp, Yol, Kangra Valley, be exercisable also by the Group Commander No. 5, Group Prisoners of War Camp, Yol, Kangra Valley.

[*Gazette of India*, 1941, Pt. I, p. 1766.]

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*D. C. Dept., No. 1090-S. M./41, dated the 13th December, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 24 and 25 of the Defence of India Rules shall be exercisable also by the Provincial Government of Assam and by the Chief Commissioner of British Baluchistan.

[*Gazette of India*, 1941, Pt. I, p. 1807.]

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*D. C. Dept., No. 824-O. R./41, dated the 20th December, 1941.*—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 76, 78, 79, 80 and 127 of the Defence of India Rules shall be exercisable also by the First Land Acquisition Collector, Calcutta.

[*Gazette of India*, 1941, Pt. I, p. 1837.]

[Orders under Sections 2 (4), 2 (5) and 4, Defence of India Act, 1939.]

D. C. Dept. No. 896-S. M./41, dated the 27th December, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred upon it by rule 66 of the Defence of India Rules shall, in respect of vessels used or capable of being used for the purpose of inland water transport, be exercisable also by the Provincial Governments of Madras, Bengal and Assam.

[Gazette of India, 1941, Pt. I, p. 1865.]

D. C. Dept., No. 1090-S. M./41, dated the 27th December, 1941.—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rules 24 and 25 of the Defence of India Rules shall be exercisable also by the Provincial Government of the North West Frontier Province.

[Gazette of India, 1941, Pt. I, p. 1865.]

Chief Commissioner, Delhi, No. F.-10 (2)/41-General, dated the 29th January, 1941.—In exercise of the powers conferred by sub-section (5) of section 2 read with section 20 of the Defence of India Act, 1939, the Chief Commissioner is pleased to direct that the powers conferred on him by the Central Government in their Notification No. 501-Ind.-War. (11)/40, dated the 25th May, 1940, for controlling the prices at which articles or things may be sold, shall be exercisable also by the District Magistrate of Delhi and the Additional District Magistrate of Delhi, subject to the conditions mentioned in the Central Government Notification and such general instructions as may be issued from time to time by the Chief Commissioner.

[Gazette of India, 1941, Pt. I-A., p. 47.]

[Orders under Section 4, Defence of India Act 1939.]

Defence Dept., No. 1140, dated the 15th July, 1941.—In exercise of the powers conferred by section 4 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is

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<sup>1</sup> *Supra*, p. 474.

[Orders under Sections 4 and 5 (2) (b), Defence of India Act, 1939.]

pleased to direct that persons who, not being members of His Majesty's Forces, are attached to, or employed with, or following, those Forces, shall be subject to naval, military or air force law according as the forces to which they are attached, or with which they are employed, or which they are following, are naval, military or air forces, as if they were persons subject to the Indian Navy (Discipline) Act, 1934, or persons enrolled under the Indian Army Act, 1911, or persons enrolled under the Indian Air Force Act, 1932, as the case may be.

[*Gazette of India*, 1941, Extraordinary, p. 409.]

*Chief Commissioner British Baluchistan, No. A./113 (31)-Misc./960-G., dated the 29th January, 1941.*—In exercise of the powers conferred by section 5 (2) (b) of the Defence of India Act, 1939 (XXXV of 1939), the Chief Commissioner of British Baluchistan is pleased to notify the Tahsils of Pishin and Shahrig as areas in which enhanced penalties may be inflicted for contravention of rule 81 of the Explosives Rules, 1940.

[*Gazette of India*, 1941, Pt. I-A., p. 43.]

*A. G. G., Baluchistan, No. A./113 (31)-Misc./962-G., dated the 29th January, 1941.*—In exercise of the powers conferred by section 5 (2) (b) of the Defence of India Act, 1939 (XXXV of 1939), as in force in the Baluchistan Tribal Areas by virtue of the Government of India, External Affairs Department Notification No. 28-Fed. I., dated the 3rd May, 1937, the Agent to the Governor General in Baluchistan is pleased to notify the Tahsils of Hindubagh and Fort Sandeman as areas in which enhanced penalties may be inflicted for contravention of rule 81 of the Explosives Rules, 1940.

[*Gazette of India*, 1941, Pt. I-A., p. 43.]

*Resident for Baluchistan, No. A./113 (31)-Misc./964-G., dated the 29th January, 1941.*—In exercise of the powers conferred by section 5 (2) (b) of the Defence of India Act, 1939 (XXXV of 1939), as in force in the Baluchistan Leased Areas by virtue of the Political Department Notification No. 56-Fed. I., dated the 3rd May, 1937, the Resident for Baluchistan is pleased to notify the Quetta Tahsil and Bolan and Nushki Railway Tahsil as areas in which enhanced penalties may be inflicted for contravention of rule 81 of the Explosives Rules, 1940.

[*Gazette of India*, 1941, Pt. I-A., p. 43.]

